
SENATE BILL 6436

State of Washington

59th Legislature

2006 Regular Session

By Senators McAuliffe, Schmidt, Rockefeller, Eide, Weinstein and Pridemore

Read first time 01/12/2006. Referred to Committee on Early Learning, K-12 & Higher Education.

1 AN ACT Relating to transferring duties of the reconstituted state
2 board of education; amending RCW 28A.305.130, 28A.305.035, 28A.300.040,
3 28A.150.220, 28A.150.230, 28A.150.230, 28A.150.250, 28A.505.140,
4 28A.525.020, 28A.525.030, 28A.525.050, 28A.525.055, 28A.525.070,
5 28A.525.080, 28A.525.090, 28A.525.162, 28A.525.164, 28A.525.166,
6 28A.525.168, 28A.525.170, 28A.525.172, 28A.525.174, 28A.525.176,
7 28A.525.178, 28A.525.180, 28A.525.190, 28A.525.200, 28A.525.216,
8 28A.150.260, 28A.335.160, 28A.540.050, 28A.150.530, 28A.335.210,
9 28A.335.230, 28A.540.070, 28A.305.220, 28A.230.100, 28A.230.170,
10 28A.305.170, 28A.230.130, 28A.205.010, 28A.215.010, 28A.215.020,
11 28A.205.040, 28A.215.140, 28A.230.020, 28A.230.040, 28A.230.050,
12 28A.315.175, 28A.315.195, 28A.315.205, 28A.315.015, 28A.315.025,
13 28A.315.055, 28A.315.085, 28A.315.125, 28A.315.185, 28A.305.210,
14 28A.310.080, 28A.310.030, 28A.310.050, 28A.310.060, 28A.310.090,
15 28A.310.100, 28A.310.140, 28A.310.150, 28A.310.200, 28A.310.310,
16 28A.323.020, 28A.323.040, 28A.305.160, 28A.150.300, 28A.225.160,
17 28A.300.150, 28A.600.020, 28A.600.030, 28A.625.360, 28A.225.330,
18 28A.405.110, 28A.415.010, 28A.415.020, 28A.415.024, 28A.415.025,
19 28A.415.105, 28A.415.125, 28A.415.130, 28A.415.145, 28A.660.040,
20 28A.690.020, 28A.300.050, 28A.625.370, 28A.625.380, 28A.625.390,
21 28A.600.010, 28A.225.280, 28A.600.200, 28A.160.210, 28A.160.100,

1 28A.210.070, 28A.210.160, 28A.335.100, 28A.335.120, 28A.320.240,
2 28A.155.060, 28A.600.130, and 28A.650.015; reenacting and amending RCW
3 28A.330.100 and 28A.630.400; adding a new section to chapter 28A.525
4 RCW; adding a new section to chapter 28A.545 RCW; adding a new section
5 to chapter 28A.230 RCW; adding new sections to chapter 28A.300 RCW;
6 adding a new section to chapter 28A.315 RCW; adding a new section to
7 chapter 28A.600 RCW; adding a new section to chapter 28A.405 RCW;
8 creating new sections; recodifying RCW 28A.305.220, 28A.305.170, and
9 28A.305.160; decodifying RCW 28A.525.120, 28A.525.122, 28A.525.124,
10 28A.525.126, 28A.525.128, 28A.525.130, 28A.525.132, 28A.525.134,
11 28A.525.140, 28A.525.142, 28A.525.144, 28A.525.146, 28A.525.148,
12 28A.525.150, 28A.525.152, 28A.525.154, 28A.525.156, 28A.525.158,
13 28A.525.160, and 28A.525.182; repealing RCW 28A.305.140, 28A.655.180,
14 and 28A.310.020; providing effective dates; and providing an expiration
15 date.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

17 NEW SECTION. **Sec. 1.** In 2005, the legislature reconstituted the
18 state board of education to refocus its purpose; abolished the academic
19 achievement and accountability commission; and assigned policy and
20 rule-making authority for educator preparation and certification to the
21 professional educator standards board. The purpose of this act is to
22 address the remaining statutory responsibilities of the state board of
23 education held before 2005. The legislature finds that some duties
24 should be retained with the reconstituted board; many duties should be
25 transferred to other agencies or organizations, primarily but not
26 exclusively to the superintendent of public instruction; and some
27 duties should be repealed. This act also corrects statutes to
28 implement fully the transfer of responsibilities authorized in 2005.

29 **PART 1**

30 **NEW STATE BOARD OF EDUCATION**

31 **Sec. 101.** RCW 28A.305.130 and 2005 c 497 s 104 are each amended to
32 read as follows:

33 The purpose of the state board of education is to improve student
34 academic achievement and personalize the educational experience for

1 every student. The state board shall provide advocacy, strategic
2 planning, and strategic oversight of the kindergarten through twelfth
3 grade education system, including accountability for student success
4 and student readiness for lifelong learning, both at entry and at exit
5 from the system. The state board shall adopt statewide policies that
6 promote achievement of the goals of RCW 28A.150.210; implement a
7 standards-based accountability system; and provide leadership in the
8 creation of an education system that respects the diverse cultures,
9 abilities, and learning styles of all students. In addition to any
10 other powers and duties as provided by law, the state board of
11 education shall:

12 ~~(1) (Until January 1, 2006, approve or disapprove the program of~~
13 ~~courses leading to teacher, school administrator, and school~~
14 ~~specialized personnel certification offered by all institutions of~~
15 ~~higher education within the state which may be accredited and whose~~
16 ~~graduates may become entitled to receive such certification.~~

17 ~~(2) Until January 1, 2006, conduct every five years a review of the~~
18 ~~program approval standards, including the minimum standards for~~
19 ~~teachers, administrators, and educational staff associates, to reflect~~
20 ~~research findings and assure continued improvement of preparation~~
21 ~~programs for teachers, administrators, and educational staff~~
22 ~~associates.~~

23 ~~(3) Until January 1, 2006, investigate the character of the work~~
24 ~~required to be performed as a condition of entrance to and graduation~~
25 ~~from any institution of higher education in this state relative to such~~
26 ~~certification as provided for in subsection (1) of this section, and~~
27 ~~prepare a list of accredited institutions of higher education of this~~
28 ~~and other states whose graduates may be awarded such certificates.~~

29 ~~(4) Until January 1, 2006:~~

30 ~~(a) Adopt rules to allow a teacher certification candidate to~~
31 ~~fulfill, in part, teacher preparation program requirements through work~~
32 ~~experience as a classified teacher's aide in a public school or private~~
33 ~~school meeting the requirements of RCW 28A.195.010. The rules shall~~
34 ~~include, but are not limited to, limitations based upon the recency of~~
35 ~~the teacher preparation candidate's teacher aide work experience, and~~
36 ~~limitations based on the amount of work experience that may apply~~
37 ~~toward teacher preparation program requirements under this chapter; and~~

1 ~~(b) Require that at the time of the individual's enrollment in a~~
2 ~~teacher preparation program, the supervising teacher and the building~~
3 ~~principal shall jointly provide to the teacher preparation program of~~
4 ~~the higher education institution at which the teacher candidate is~~
5 ~~enrolled, a written assessment of the performance of the teacher~~
6 ~~candidate. The assessment shall contain such information as determined~~
7 ~~by the state board of education and shall include: Evidence that at~~
8 ~~least fifty percent of the candidate's work as a classified teacher's~~
9 ~~aide was involved in instructional activities with children under the~~
10 ~~supervision of a certificated teacher and that the candidate worked a~~
11 ~~minimum of six hundred thirty hours for one school year; the type of~~
12 ~~work performed by the candidate; and a recommendation of whether the~~
13 ~~candidate's work experience as a classified teacher's aide should be~~
14 ~~substituted for teacher preparation program requirements. In~~
15 ~~compliance with such rules as may be established by the state board of~~
16 ~~education under this section, the teacher preparation programs of the~~
17 ~~higher education institution where the candidate is enrolled shall make~~
18 ~~the final determination as to what teacher preparation program~~
19 ~~requirements may be fulfilled by teacher aide work experience.~~

20 ~~(5) Until January 1, 2006, supervise the issuance of such~~
21 ~~certificates as provided for in subsection (1) of this section and~~
22 ~~specify the types and kinds of certificates necessary for the several~~
23 ~~departments of the common schools by rule or regulation in accordance~~
24 ~~with RCW 28A.410.010.~~

25 ~~(6)) Hold regularly scheduled meetings at such time and place~~
26 ~~within the state as the board shall determine and may hold such special~~
27 ~~meetings as may be deemed necessary for the transaction of public~~
28 ~~business((~~-~~))i~~

29 ~~((~~+7~~)) (2) Form committees as necessary to effectively and~~
30 ~~efficiently conduct the work of the board((~~-~~))i~~

31 ~~((~~+8~~)) (3) Seek advice from the public and interested parties~~
32 ~~regarding the work of the board((~~-~~))i~~

33 ~~((~~+9~~)) (4) For purposes of statewide accountability((~~-~~, the board~~
34 ~~shall))i~~

35 (a) Adopt and revise performance improvement goals in reading,
36 writing, science, and mathematics, by subject and grade level, once
37 assessments in these subjects are required statewide; academic and
38 technical skills, as appropriate, in secondary career and technical

1 education programs; and student attendance, as the board deems
2 appropriate to improve student learning. The goals shall be consistent
3 with student privacy protection provisions of RCW 28A.655.090(7) and
4 shall not conflict with requirements contained in Title I of the
5 federal elementary and secondary education act of 1965, or the
6 requirements of the Carl D. Perkins vocational education act of 1998,
7 each as amended. The goals may be established for all students,
8 economically disadvantaged students, limited English proficient
9 students, students with disabilities, and students from
10 disproportionately academically underachieving racial and ethnic
11 backgrounds. The board may establish school and school district goals
12 addressing high school graduation rates and dropout reduction goals for
13 students in grades seven through twelve. The board shall adopt the
14 goals by rule. However, before each goal is implemented, the board
15 shall present the goal to the education committees of the house of
16 representatives and the senate for the committees' review and comment
17 in a time frame that will permit the legislature to take statutory
18 action on the goal if such action is deemed warranted by the
19 legislature;

20 (b) Identify the scores students must achieve in order to meet the
21 standard on the Washington assessment of student learning and, for high
22 school students, to obtain a certificate of academic achievement. The
23 board shall also determine student scores that identify levels of
24 student performance below and beyond the standard. The board shall
25 consider the incorporation of the standard error of measurement into
26 the decision regarding the award of the certificates. The board shall
27 set such performance standards and levels in consultation with the
28 superintendent of public instruction and after consideration of any
29 recommendations that may be developed by any advisory committees that
30 may be established for this purpose. The initial performance standards
31 and any changes recommended by the board in the performance standards
32 for the tenth grade assessment shall be presented to the education
33 committees of the house of representatives and the senate by November
34 30th of the school year in which the changes will take place to permit
35 the legislature to take statutory action before the changes are
36 implemented if such action is deemed warranted by the legislature. The
37 legislature shall be advised of the initial performance standards and

1 any changes made to the elementary level performance standards and the
2 middle school level performance standards;

3 (c) Adopt objective, systematic criteria to identify successful
4 schools and school districts and recommend to the superintendent of
5 public instruction schools and districts to be recognized for two types
6 of accomplishments, student achievement and improvements in student
7 achievement. Recognition for improvements in student achievement shall
8 include consideration of one or more of the following accomplishments:

9 (i) An increase in the percent of students meeting standards. The
10 level of achievement required for recognition may be based on the
11 achievement goals established by the legislature and by the board under
12 (a) of this subsection;

13 (ii) Positive progress on an improvement index that measures
14 improvement in all levels of the assessment; and

15 (iii) Improvements despite challenges such as high levels of
16 mobility, poverty, English as a second language learners, and large
17 numbers of students in special populations as measured by either the
18 percent of students meeting the standard, or the improvement index.
19 When determining the baseline year or years for recognizing individual
20 schools, the board may use the assessment results from the initial
21 years the assessments were administered, if doing so with individual
22 schools would be appropriate;

23 (d) Adopt objective, systematic criteria to identify schools and
24 school districts in need of assistance and those in which significant
25 numbers of students persistently fail to meet state standards. In its
26 deliberations, the board shall consider the use of all statewide
27 mandated criterion-referenced and norm-referenced standardized tests;

28 (e) Identify schools and school districts in which state
29 intervention measures will be needed and a range of appropriate
30 intervention strategies after the legislature has authorized a set of
31 intervention strategies. After the legislature has authorized a set of
32 intervention strategies, at the request of the board, the
33 superintendent shall intervene in the school or school district and
34 take corrective actions. This chapter does not provide additional
35 authority for the board or the superintendent of public instruction to
36 intervene in a school or school district;

37 (f) Identify performance incentive systems that have improved or
38 have the potential to improve student achievement;

1 (g) Annually review the assessment reporting system to ensure
2 fairness, accuracy, timeliness, and equity of opportunity, especially
3 with regard to schools with special circumstances and unique
4 populations of students, and a recommendation to the superintendent of
5 public instruction of any improvements needed to the system; and

6 (h) Include in the biennial report required under RCW 28A.305.035,
7 information on the progress that has been made in achieving goals
8 adopted by the board(~~(-)~~);

9 ~~((+10))~~ (5) Accredit, subject to such accreditation standards and
10 procedures as may be established by the state board of education, all
11 private schools that apply for accreditation, and approve, subject to
12 the provisions of RCW 28A.195.010, private schools carrying out a
13 program for any or all of the grades kindergarten through twelve:
14 PROVIDED, That no private school may be approved that operates a
15 kindergarten program only: PROVIDED FURTHER, That no ~~((public or))~~
16 private schools shall be placed upon the list of accredited schools so
17 long as secret societies are knowingly allowed to exist among its
18 students by school officials(~~(- PROVIDED FURTHER, That the state board~~
19 ~~may elect to require all or certain classifications of the public~~
20 ~~schools to conduct and participate in such preaccreditation examination~~
21 ~~and evaluation processes as may now or hereafter be established by the~~
22 ~~board.~~

23 ~~(11) Make rules and regulations governing the establishment in any~~
24 ~~existing nonhigh school district of any secondary program or any new~~
25 ~~grades in grades nine through twelve. Before any such program or any~~
26 ~~new grades are established the district must obtain prior approval of~~
27 ~~the state board.~~

28 ~~(12) Prepare such outline of study for the common schools as the~~
29 ~~board shall deem necessary, and in conformance with legislative~~
30 ~~requirements, and prescribe such rules for the general government of~~
31 ~~the common schools, as shall seek to secure regularity of attendance,~~
32 ~~prevent truancy, secure efficiency, and promote the true interest of~~
33 ~~the common schools.~~

34 ~~(13) Continuously reevaluate courses and other requirements and~~
35 ~~adopt and enforce regulations within the common schools so as to meet~~
36 ~~the educational needs of students.~~

37 ~~(14) Evaluate course of study requirements and))~~;

1 (6) Articulate with the institutions of higher education, work
2 force representatives, and early learning policymakers and providers to
3 coordinate and unify the work of the public school system(~~(-)~~);

4 ~~((15) Carry out board powers and duties relating to the
5 organization and reorganization of school districts.~~

6 ~~(16) Hear and decide appeals as otherwise provided by law.~~

7 ~~(17) Promulgate information and rules dealing with the prevention
8 of child abuse for purposes of curriculum use in the common schools.~~

9 ~~(18))~~ (7) Hire an executive director and an administrative
10 assistant to reside in the office of the superintendent of public
11 instruction for administrative purposes. Any other personnel of the
12 board shall be appointed as provided by RCW 28A.300.020. The executive
13 director, administrative assistant, and all but one of the other
14 personnel of the board are exempt from civil service, together with
15 other staff as now or hereafter designated as exempt in accordance with
16 chapter 41.06 RCW(~~(-)~~); and

17 ~~((19))~~ (8) Adopt a seal that shall be kept in the office of the
18 superintendent of public instruction.

19 **Sec. 102.** RCW 28A.305.035 and 2005 c 497 s 103 are each amended to
20 read as follows:

21 (1) By October 15th of each even-numbered year, the state board of
22 education and the professional educator standards board shall submit a
23 joint report to the legislative education committees, the governor, and
24 the superintendent of public instruction. The report shall address the
25 progress the boards have made and the obstacles they have encountered,
26 individually and collectively, in the work of achieving the goals in
27 RCW 28A.150.210.

28 (2) The state board of education shall include the chairs and
29 ranking minority members of the legislative education committees in
30 board communications so that the legislature can be kept apprised of
31 the discussions and proposed actions of the board.

32 **Sec. 103.** RCW 28A.300.040 and 2005 c 360 s 6 are each amended to
33 read as follows:

34 In addition to any other powers and duties as provided by law, the
35 powers and duties of the superintendent of public instruction shall be:

- 1 (1) To have supervision over all matters pertaining to the public
2 schools of the state;
- 3 (2) To report to the governor and the legislature such information
4 and data as may be required for the management and improvement of the
5 schools;
- 6 (3) To prepare and have printed such forms, registers, courses of
7 study, rules for the government of the common schools, and such other
8 material and books as may be necessary for the discharge of the duties
9 of teachers and officials charged with the administration of the laws
10 relating to the common schools, and to distribute the same to
11 educational service district superintendents;
- 12 (4) To travel, without neglecting his or her other official duties
13 as superintendent of public instruction, for the purpose of attending
14 educational meetings or conventions, of visiting schools, and of
15 consulting educational service district superintendents or other school
16 officials;
- 17 (5) To prepare and from time to time to revise a manual of the
18 Washington state common school code, copies of which shall be provided
19 in such numbers as determined by the superintendent of public
20 instruction at no cost to those public agencies within the common
21 school system and which shall be sold at approximate actual cost of
22 publication and distribution per volume to all other public and
23 nonpublic agencies or individuals, said manual to contain Titles 28A
24 and 28C RCW, rules related to the common schools, and such other matter
25 as the state superintendent or the state board of education shall
26 determine. Proceeds of the sale of such code shall be transmitted to
27 the public printer who shall credit the state superintendent's account
28 within the state printing plant revolving fund by a like amount;
- 29 ~~(6) ((To act as ex officio member and the chief executive officer~~
30 ~~of the state board of education;~~
- 31 (7)) To file all papers, reports and public documents transmitted
32 to the superintendent by the school officials of the several counties
33 or districts of the state, each year separately. Copies of all papers
34 filed in the superintendent's office, and the superintendent's official
35 acts, may, or upon request, shall be certified by the superintendent
36 and attested by the superintendent's official seal, and when so
37 certified shall be evidence of the papers or acts so certified to;

1 ~~((+8))~~ (7) To require annually, on or before the 15th day of
2 August, of the president, manager, or principal of every educational
3 institution in this state, a report as required by the superintendent
4 of public instruction; and it is the duty of every president, manager,
5 or principal, to complete and return such forms within such time as the
6 superintendent of public instruction shall direct;

7 ~~((+9))~~ (8) To keep in the superintendent's office a record of all
8 teachers receiving certificates to teach in the common schools of this
9 state;

10 ~~((+10))~~ (9) To issue certificates as provided by law;

11 ~~((+11))~~ (10) To keep in the superintendent's office at the capital
12 of the state, all books and papers pertaining to the business of the
13 superintendent's office, and to keep and preserve in the
14 superintendent's office a complete record of statistics, as well as a
15 record of the meetings of the state board of education;

16 ~~((+12))~~ (11) With the assistance of the office of the attorney
17 general, to decide all points of law which may be submitted to the
18 superintendent in writing by any educational service district
19 superintendent, or that may be submitted to the superintendent by any
20 other person, upon appeal from the decision of any educational service
21 district superintendent; and the superintendent shall publish his or
22 her rulings and decisions from time to time for the information of
23 school officials and teachers; and the superintendent's decision shall
24 be final unless set aside by a court of competent jurisdiction;

25 ~~((+13))~~ (12) To administer oaths and affirmations in the discharge
26 of the superintendent's official duties;

27 ~~((+14))~~ (13) To deliver to his or her successor, at the expiration
28 of the superintendent's term of office, all records, books, maps,
29 documents and papers of whatever kind belonging to the superintendent's
30 office or which may have been received by the superintendent's for the
31 use of the superintendent's office;

32 ~~((+15))~~ (14) To administer family services and programs to promote
33 the state's policy as provided in RCW 74.14A.025;

34 ~~((+16))~~ (15) To promote the adoption of school-based curricula and
35 policies that provide quality, daily physical education for all
36 students, and to encourage policies that provide all students with
37 opportunities for physical activity outside of formal physical
38 education classes;

1 ~~(3))~~ Each school district's kindergarten through twelfth grade
2 basic educational program shall be accessible to all students who are
3 five years of age, as provided by RCW 28A.225.160, and less than
4 twenty-one years of age ~~((and shall consist of a minimum of one hundred
5 eighty school days per school year in such grades as are conducted by
6 a school district, and one hundred eighty half days of instruction, or
7 equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a
8 school district may schedule the last five school days of the one
9 hundred and eighty day school year for noninstructional purposes in the
10 case of students who are graduating from high school, including, but
11 not limited to, the observance of graduation and early release from
12 school upon the request of a student, and all such students may be
13 claimed as a full time equivalent student to the extent they could
14 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
15 28A.150.260))~~.

16 ~~((4))~~ The ~~((state board of education))~~ superintendent of public
17 instruction shall adopt rules to implement and ensure compliance with
18 the program requirements imposed by this section ~~(, RCW 28A.150.250 and
19 28A.150.260, and such related supplemental program approval
20 requirements as the state board may establish))~~.

21 **Sec. 202.** RCW 28A.150.230 and 1994 c 245 s 9 are each amended to
22 read as follows:

23 (1) It is the intent and purpose of this section to guarantee that
24 each common school district board of directors, whether or not acting
25 through its respective administrative staff, be held accountable for
26 the proper operation of their district to the local community and its
27 electorate. In accordance with the provisions of Title 28A RCW, as now
28 or hereafter amended, each common school district board of directors
29 shall be vested with the final responsibility for the setting of
30 policies ensuring quality in the content and extent of its educational
31 program and that such program provide students with the opportunity to
32 achieve those skills which are generally recognized as requisite to
33 learning.

34 (2) In conformance with the provisions of Title 28A RCW, as now or
35 hereafter amended, it shall be the responsibility of each common school
36 district board of directors to adopt policies to:

1 (a) Establish performance criteria and an evaluation process for
2 its certificated personnel, including administrative staff, and for all
3 programs constituting a part of such district's curriculum;

4 (b) Determine the final assignment of staff, certificated or
5 classified, according to board enumerated classroom and program needs;

6 (c) Determine the amount of instructional hours necessary for any
7 student to acquire a quality education in such district, in not less
8 than an amount otherwise required in RCW 28A.150.220, or rules (~~and~~
9 ~~regulations~~) of the state board of education;

10 (d) Determine the allocation of staff time, whether certificated or
11 classified;

12 (e) Establish final curriculum standards consistent with law and
13 rules (~~and regulations of the state board of education~~) of the
14 superintendent of public instruction, relevant to the particular needs
15 of district students or the unusual characteristics of the district,
16 and ensuring a quality education for each student in the district; and

17 (f) Evaluate teaching materials, including text books, teaching
18 aids, handouts, or other printed material, in public hearing upon
19 complaint by parents, guardians or custodians of students who consider
20 dissemination of such material to students objectionable.

21 **Sec. 203.** RCW 28A.150.230 and 2006 c ... s 202 (section 202 of
22 this act) are each amended to read as follows:

23 (1) It is the intent and purpose of this section to guarantee that
24 each common school district board of directors, whether or not acting
25 through its respective administrative staff, be held accountable for
26 the proper operation of their district to the local community and its
27 electorate. In accordance with the provisions of Title 28A RCW, as now
28 or hereafter amended, each common school district board of directors
29 shall be vested with the final responsibility for the setting of
30 policies ensuring quality in the content and extent of its educational
31 program and that such program provide students with the opportunity to
32 achieve those skills which are generally recognized as requisite to
33 learning.

34 (2) In conformance with the provisions of Title 28A RCW, as now or
35 hereafter amended, it shall be the responsibility of each common school
36 district board of directors to adopt policies to:

1 (a) Establish performance criteria and an evaluation process for
2 its certificated personnel, including administrative staff, and for all
3 programs constituting a part of such district's curriculum;

4 (b) Determine the final assignment of staff, certificated or
5 classified, according to board enumerated classroom and program needs;

6 (c) Determine the amount of instructional hours necessary for any
7 student to acquire a quality education in such district(~~(, in not less~~
8 ~~than an amount otherwise required in RCW 28A.150.220, or rules of the~~
9 ~~state board of education))~~);

10 (d) Determine the allocation of staff time, whether certificated or
11 classified;

12 (e) Establish final curriculum standards consistent with law and
13 rules of the superintendent of public instruction, relevant to the
14 particular needs of district students or the unusual characteristics of
15 the district, and ensuring a quality education for each student in the
16 district; and

17 (f) Evaluate teaching materials, including text books, teaching
18 aids, handouts, or other printed material, in public hearing upon
19 complaint by parents, guardians or custodians of students who consider
20 dissemination of such material to students objectionable.

21 **Sec. 204.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to
22 read as follows:

23 (~~From those funds made available by the legislature for the~~
24 ~~current use of the common schools, the superintendent of public~~
25 ~~instruction shall distribute annually as provided in RCW 28A.510.250 to~~
26 ~~each school district of the state operating a program approved by the~~
27 ~~state board of education an amount which, when combined with an~~
28 ~~appropriate portion of such locally available revenues, other than~~
29 ~~receipts from federal forest revenues distributed to school districts~~
30 ~~pursuant to RCW 28A.520.010 and 28A.520.020, as the superintendent of~~
31 ~~public instruction may deem appropriate for consideration in computing~~
32 ~~state equalization support, excluding excess property tax levies, will~~
33 ~~constitute a basic education allocation in dollars for each annual~~
34 ~~average full time equivalent student enrolled, based upon one full~~
35 ~~school year of one hundred eighty days, except that for kindergartens~~
36 ~~one full school year shall be one hundred eighty half days of~~
37 ~~instruction, or the equivalent as provided in RCW 28A.150.220.~~

1 ~~Basic education shall be considered to be fully funded by those~~
2 ~~amounts of dollars appropriated by the legislature pursuant to RCW~~
3 ~~28A.150.250 and 28A.150.260 to fund those program requirements~~
4 ~~identified in RCW 28A.150.220 in accordance with the formula and ratios~~
5 ~~provided in RCW 28A.150.260 and those amounts of dollars appropriated~~
6 ~~by the legislature to fund the salary requirements of RCW 28A.150.100~~
7 ~~and 28A.150.410.~~

8 ~~Operation of a program approved by the state board of education,~~
9 ~~for the purposes of this section, shall include a finding that the~~
10 ~~ratio of students per classroom teacher in grades kindergarten through~~
11 ~~three is not greater than the ratio of students per classroom teacher~~
12 ~~in grades four and above for such district: PROVIDED, That for the~~
13 ~~purposes of this section, "classroom teacher" shall be defined as an~~
14 ~~instructional employee possessing at least a provisional certificate,~~
15 ~~but not necessarily employed as a certificated employee, whose primary~~
16 ~~duty is the daily educational instruction of students: PROVIDED~~
17 ~~FURTHER, That the state board of education shall adopt rules and~~
18 ~~regulations to insure compliance with the student/teacher ratio~~
19 ~~provisions of this section, and such rules and regulations shall allow~~
20 ~~for exemptions for those special programs and/or school districts which~~
21 ~~may be deemed unable to practicably meet the student/teacher ratio~~
22 ~~requirements of this section by virtue of a small number of students.))~~

23 ~~If a school district's basic education program fails to meet the~~
24 ~~basic education requirements ((enumerated in RCW 28A.150.250,~~
25 ~~28A.150.260, and 28A.150.220, the state board of education shall~~
26 ~~require)), the superintendent of public instruction ((to)) shall~~
27 ~~withhold state funds in whole or in part for the basic education~~
28 ~~allocation until program compliance is assured: PROVIDED, That the~~
29 ~~((state board of education)) superintendent of public instruction may~~
30 ~~waive this requirement in the event of substantial lack of classroom~~
31 ~~space.~~

32 **Sec. 205.** ~~RCW 28A.505.140 and 1990 c 33 s 422 are each amended to~~
33 ~~read as follows:~~

34 (1) ~~Notwithstanding any other provision of law, the superintendent~~
35 ~~of public instruction ((is hereby directed to promulgate)) shall adopt~~
36 ~~such rules ((and regulations)) as will ((insure)) ensure proper~~

1 budgetary procedures and practices, including monthly financial
2 statements consistent with the provisions of RCW 43.09.200, and this
3 chapter.

4 (2) If the superintendent of public instruction determines upon a
5 review of the budget of any district that said budget does not comply
6 with the budget procedures established by this chapter or by rules
7 (~~and regulations promulgated~~) adopted by the superintendent of public
8 instruction, or the provisions of RCW 43.09.200, the superintendent
9 shall give written notice of this determination to the board of
10 directors of the local school district.

11 (3) The local school district, notwithstanding any other provision
12 of law, shall, within thirty days from the date the superintendent of
13 public instruction issues a notice pursuant to subsection (2) of this
14 section, submit a revised budget which meets the requirements of RCW
15 43.09.200, this chapter, and the rules (~~and regulations~~) of the
16 superintendent of public instruction(~~(: PROVIDED, That if the district
17 fails or refuses to submit a revised budget which in the determination
18 of the superintendent of public instruction meets the requirements of
19 RCW 43.09.200, this chapter, and the rules and regulations of the
20 superintendent of public instruction, the matter shall be submitted to
21 the state board of education, which board shall meet and adopt a
22 financial plan which shall be in effect until a budget can be adopted
23 and submitted by the district in compliance with this section))~~).

24 NEW SECTION. **Sec. 206.** The following acts or parts of acts, as
25 now existing or hereafter amended, are each repealed, effective
26 September 1, 2007:

27 (1) RCW 28A.305.140 (Waiver from provisions of RCW 28A.150.200
28 through 28A.150.220 authorized) and 1990 c 33 s 267 & 1985 c 349 s 6;
29 and

30 (2) RCW 28A.655.180 (Waivers for educational restructuring
31 programs--Study by joint select committee on education restructuring--
32 Report to legislature) and 1995 c 208 s 1.

33 **PART 3**
34 **SCHOOL FACILITIES AND ORGANIZATION**

1 **Sec. 301.** RCW 28A.525.020 and 1969 ex.s. c 223 s 28A.47.060 are
2 each amended to read as follows:

3 The ~~((state board of education))~~ superintendent of public
4 instruction, with recommendations from the school facilities citizen
5 advisory panel, shall have the power and ~~((it shall be its))~~ duty (1)
6 to prescribe rules ~~((and regulations))~~ governing the administration,
7 control, terms, conditions, and disbursements of allotments to school
8 districts to assist them in providing school plant facilities; (2) to
9 approve allotments to districts that apply for state assistance
10 whenever ~~((the board deems))~~ such action is advisable ~~((and in so doing~~
11 ~~to give due consideration to the findings, reports, and recommendations~~
12 ~~of the superintendent of public instruction pertaining thereto))~~; (3)
13 to authorize the payment of approved allotments by warrant of the state
14 treasurer; and (4) in the event that the amount of state assistance
15 applied for exceeds the funds available for such assistance during any
16 biennium, to make allotments on the basis of the urgency of need for
17 school facilities in the districts that apply for assistance and/or to
18 prorate allotments among such districts in conformity with applicable
19 procedures and ~~((regulations applicable thereto which shall be~~
20 ~~established by the state board))~~ rules.

21 **Sec. 302.** RCW 28A.525.030 and 1995 c 77 s 23 are each amended to
22 read as follows:

23 Whenever funds are appropriated for modernization of existing
24 school facilities, the ~~((state board of education))~~ superintendent of
25 public instruction, with recommendations from the school facilities
26 citizen advisory panel, is authorized to approve the use of such funds
27 for modernization of existing facilities, modernization being limited
28 to major structural changes in such facilities and, as necessary to
29 bring such facilities into compliance with the barrier free access
30 requirements of section 504 of the federal rehabilitation act of 1973
31 (29 U.S.C. Sec. 706) and rules implementing the act, both major and
32 minor structural changes, and may include as incidental thereto the
33 replacement of fixtures, fittings, furnishings and service systems of
34 a building in order to bring it up to a contemporary state consistent
35 with the needs of changing educational programs. The allocation of
36 such funds shall be made upon the same basis as funds used for the
37 financing of a new school plant project utilized for a similar purpose.

1 **Sec. 303.** RCW 28A.525.050 and 1969 ex.s. c 223 s 28A.47.080 are
2 each amended to read as follows:

3 All applications by school districts for state assistance in
4 providing school plant facilities shall be made to the superintendent
5 of public instruction (~~((in conformity with rules and regulations which
6 shall be prescribed by the state board of education))~~). Studies and
7 surveys shall be conducted by the (~~(aforesaid officer)~~) superintendent
8 for the purpose of securing information relating to (1) the kind and
9 extent of the school plant facilities required and the urgency of need
10 for such facilities in districts that seek state assistance, (2) the
11 ability of such districts to provide capital outlay funds by local
12 effort, (3) the need for improvement of school administrative units and
13 school attendance areas among or within such districts, and (4) any
14 other pertinent matters. Recommendations respecting action on the
15 (~~(aforesaid)~~) applications shall be submitted to the (~~((state board of
16 education by the))~~) superintendent of public instruction (~~((together with
17 such reports of the findings, studies, and surveys made by said officer
18 as may be required by the state board))~~).

19 **Sec. 304.** RCW 28A.525.055 and 1994 c 219 s 11 are each amended to
20 read as follows:

21 The (~~((state board of education,))~~) rules adopted by the
22 superintendent of public instruction for (~~((purposes of))~~) determining
23 eligibility for state assistance for new construction(~~((,))~~) shall
24 (~~((adopt rules excluding))~~) exclude from the inventory of available
25 educational space those spaces that have been constructed for
26 educational and community activities from grants received from other
27 public or private entities.

28 **Sec. 305.** RCW 28A.525.070 and 1985 c 136 s 1 are each amended to
29 read as follows:

30 The superintendent of public instruction shall furnish (~~((1))~~) to
31 school districts seeking state assistance consultatory and advisory
32 service in connection with the development of school building programs
33 and the planning of school plant facilities for such district(~~((, and
34 (2) to the state board of education such service as may be required by
35 the board in the exercise of the powers and the performance of the
36 duties vested in and required to be performed by the board))~~).

1 of this section shall be used on each project submitted for approval by
2 the (~~state board of education~~) superintendent, with recommendations
3 from the school facilities citizen advisory panel.

4 (5)(a) School districts applying for state assistance for school
5 facilities shall:

6 (i) Cause value engineering, constructibility review, and building
7 commissioning to be performed by contract with a professional firm
8 specializing in those construction management techniques; and

9 (ii) Contract or employ personnel to perform professional
10 construction management.

11 (b) All recommendations from the value engineering and
12 constructibility review construction techniques for a school project
13 shall be presented to the school district's board of directors for
14 acceptance or rejection. If the board of directors rejects a
15 recommendation it shall provide a statement explaining the reasons for
16 rejecting the recommendation and include the statement in the
17 application for state assistance to the (~~state board of education~~)
18 superintendent of public instruction.

19 (6) The office of the superintendent of public instruction shall
20 provide:

21 (a) An information and training program for school districts on the
22 use of the construction management techniques; and

23 (b) Consulting services to districts on the benefits and best uses
24 of these construction management techniques.

25 NEW SECTION. Sec. 308. A new section is added to chapter 28A.525
26 RCW to read as follows:

27 (1) To maintain citizen oversight on issues pertaining to school
28 facilities and funding for school construction, a school facilities
29 citizen advisory panel is hereby created. The panel shall advise and
30 make recommendations to the superintendent of public instruction
31 regarding school facilities, funding for school construction, joint
32 planning and financing of educational facilities, facility plans and
33 programs for nonhigh school districts, and determinations of remote and
34 necessary schools.

35 (2) The membership of the school facilities citizen advisory panel
36 shall be as follows:

37 (a) One member of the state board of education;

1 (b) Two school district directors representing school districts of
2 various sizes and geographic locations, who are appointed by the state
3 board of education and selected from a list of five names submitted to
4 the board by the Washington state school directors' association; and

5 (c) Four additional citizen members appointed by the state board of
6 education.

7 (3) Members of the panel shall be reimbursed for travel expenses in
8 accordance with RCW 43.03.050 and 43.03.060.

9 (4) In addition to the school facilities citizen advisory panel,
10 the superintendent of public instruction may convene a technical
11 advisory group including representatives from school business officers,
12 building and construction contracting and trade organizations,
13 architecture and engineering organizations, and other organizations
14 with expertise in school facilities. Such a technical advisory group
15 may advise both the superintendent and the school facilities citizen
16 advisory panel on school facilities issues.

17 **Sec. 309.** RCW 28A.525.162 and 1995 c 77 s 24 are each amended to
18 read as follows:

19 (1) Funds appropriated to the (~~state board of education~~)
20 superintendent of public instruction from the common school
21 construction fund shall be allotted by the (~~state board of education~~)
22 superintendent of public instruction, with recommendations from the
23 school facilities citizen advisory panel, in accordance with student
24 enrollment and the provisions of RCW 28A.525.200.

25 (2) No allotment shall be made to a school district until such
26 district has provided matching funds equal to or greater than the
27 difference between the total approved project cost and the amount of
28 state assistance to the district for financing the project computed
29 pursuant to RCW 28A.525.166, with the following exceptions:

30 (a) The (~~state board~~) superintendent of public instruction, with
31 recommendations from the school facilities citizen advisory panel, may
32 waive the matching requirement for districts which have provided funds
33 for school building construction purposes through the authorization of
34 bonds or through the authorization of excess tax levies or both in an
35 amount equivalent to two and one-half percent of the value of its
36 taxable property, as defined in RCW 39.36.015.

1 (b) No such matching funds shall be required as a condition to the
2 allotment of funds for the purpose of making major or minor structural
3 changes to existing school facilities in order to bring such facilities
4 into compliance with the barrier free access requirements of section
5 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and
6 rules implementing the act.

7 (3) For the purpose of computing the state matching percentage
8 under RCW 28A.525.166 when a school district is granted authority to
9 enter into contracts, adjusted valuation per pupil shall be calculated
10 using headcount student enrollments from the most recent October
11 enrollment reports submitted by districts to the superintendent of
12 public instruction, adjusted as follows:

13 (a) In the case of projects for which local bonds were approved
14 after May 11, 1989:

15 (i) For districts which have been designated as serving high school
16 districts under RCW 28A.540.110, students residing in the nonhigh
17 district so designating shall be excluded from the enrollment count if
18 the student is enrolled in any grade level not offered by the nonhigh
19 district;

20 (ii) The enrollment of nonhigh school districts shall be increased
21 by the number of students residing within the district who are enrolled
22 in a serving high school district so designated by the nonhigh school
23 district under RCW 28A.540.110, including only students who are
24 enrolled in grade levels not offered by the nonhigh school district;
25 and

26 (iii) The number of preschool students with disabilities included
27 in the enrollment count shall be multiplied by one-half;

28 (b) In the case of construction or modernization of high school
29 facilities in districts serving students from nonhigh school districts,
30 the adjusted valuation per pupil shall be computed using the combined
31 adjusted valuations and enrollments of each district, each weighted by
32 the percentage of the district's resident high school students served
33 by the high school district; and

34 (c) The number of kindergarten students included in the enrollment
35 count shall be multiplied by one-half.

36 (4) The (~~state board of education~~) superintendent of public
37 instruction, with recommendations from the school facilities citizen

1 advisory panel, shall prescribe (~~and make effective~~) such rules as
2 are necessary to equate insofar as possible the efforts made by school
3 districts to provide capital funds by the means aforesaid.

4 (5) For the purposes of this section, "preschool students with
5 disabilities" means developmentally disabled children of preschool age
6 who are entitled to services under RCW 28A.155.010 through 28A.155.100
7 and are not included in the kindergarten enrollment count of the
8 district.

9 **Sec. 310.** RCW 28A.525.164 and 1990 c 33 s 456 are each amended to
10 read as follows:

11 In allotting the state funds provided by RCW (~~28A.525.160 through~~
12 ~~28A.525.182~~) 28A.525.162 through 28A.525.180, the (~~state board of~~
13 ~~education~~) superintendent of public instruction, with recommendations
14 from the school facilities citizen advisory panel, shall:

15 (1) Prescribe rules (~~and regulations~~) not inconsistent with RCW
16 (~~28A.525.160 through 28A.525.182~~) 28A.525.162 through 28A.525.180
17 governing the administration, control, terms, conditions, and
18 disbursement of allotments to school districts to assist them in
19 providing school plant facilities;

20 (2) Approve(~~, whenever the board deems such action advisable,~~)
21 allotments to districts that apply for state assistance;

22 (3) Authorize the payment of approved allotments by warrant of the
23 state treasurer; and

24 (4) In the event that the amount of state assistance applied for
25 pursuant to the provisions hereof exceeds the funds available for such
26 assistance during any biennium, make allotments on the basis of the
27 urgency of need for school facilities in the districts that apply for
28 assistance or prorate allotments among such districts in conformity
29 with (~~procedures and regulations~~) applicable (~~thereto which shall be~~
30 ~~established by the board~~) rules.

31 **Sec. 311.** RCW 28A.525.166 and 1997 c 369 s 9 are each amended to
32 read as follows:

33 Allocations to school districts of state funds provided by RCW
34 (~~28A.525.160 through 28A.525.182~~) 28A.525.162 through 28A.525.180
35 shall be made by the (~~state board of education~~) superintendent of
36 public instruction, with recommendations from the school facilities

1 citizen advisory panel and the amount of state assistance to a school
2 district in financing a school plant project shall be determined in the
3 following manner:

4 (1) The boards of directors of the districts shall determine the
5 total cost of the proposed project, which cost may include the cost of
6 acquiring and preparing the site, the cost of constructing the building
7 or of acquiring a building and preparing the same for school use, the
8 cost of necessary equipment, taxes chargeable to the project, necessary
9 architects' fees, and a reasonable amount for contingencies and for
10 other necessary incidental expenses: PROVIDED, That the total cost of
11 the project shall be subject to review and approval by the ((state
12 board of education)) superintendent, with recommendations from the
13 school facilities citizen advisory panel.

14 (2) The state matching percentage for a school district shall be
15 computed by the following formula:

16 The ratio of the school district's adjusted valuation per pupil
17 divided by the ratio of the total state adjusted valuation per pupil
18 shall be subtracted from three, and then the result of the foregoing
19 shall be divided by three plus (the ratio of the school district's
20 adjusted valuation per pupil divided by the ratio of the total state
21 adjusted valuation per pupil).

$$\begin{array}{rcc} & \text{District adjusted} & \text{Total state} \\ & \text{3-valuation} & \div \text{adjusted valuation} \\ \text{Computed} & \text{per pupil} & \text{per pupil} & \text{State} \\ \text{State} = & \frac{\text{District adjusted}}{\text{3+valuation}} & \frac{\text{Total state}}{\text{adjusted valuation}} & = - \% \text{ Assistance} \\ \text{Ratio} & \text{District adjusted} & \text{Total state} \\ & \text{3+valuation} & \div \text{adjusted valuation} \\ & \text{per pupil} & \text{per pupil} \end{array}$$

29 PROVIDED, That in the event the percentage of state assistance to any
30 school district based on the above formula is less than twenty percent
31 and such school district is otherwise eligible for state assistance
32 under RCW ((28A.525.160 through 28A.525.182)) 28A.525.162 through
33 28A.525.180, the ((state board of education)) superintendent, with
34 recommendations from the school facilities citizen advisory panel may
35 establish for such district a percentage of state assistance not in
36 excess of twenty percent of the approved cost of the project, if the
37 ((state board)) superintendent, with recommendations from the school
38 facilities citizen advisory panel finds that such additional assistance

1 is necessary to provide minimum facilities for housing the pupils of
2 the district.

3 (3) In addition to the computed percent of state assistance
4 developed in subsection (2) ((above)) of this section, a school
5 district shall be entitled to additional percentage points determined
6 by the average percentage of growth for the past three years. One
7 percent shall be added to the computed percent of state assistance for
8 each percent of growth, with a maximum of twenty percent.

9 (4) The approved cost of the project determined in the manner
10 ~~((herein))~~ prescribed ~~((times))~~ in this section multiplied by the
11 percentage of state assistance derived as provided for ~~((herein))~~ in
12 this section shall be the amount of state assistance to the district
13 for the financing of the project: PROVIDED, That need therefor has
14 been established to the satisfaction of the ~~((state board of~~
15 ~~education))~~ superintendent, with recommendations from the school
16 facilities citizen advisory panel: PROVIDED, FURTHER, That additional
17 state assistance may be allowed if it is found by the ~~((state board of~~
18 ~~education))~~ superintendent, with recommendations from the school
19 facilities citizen advisory panel that such assistance is necessary in
20 order to meet (a) a school housing emergency resulting from the
21 destruction of a school building by fire, the condemnation of a school
22 building by properly constituted authorities, a sudden excessive and
23 clearly foreseeable future increase in school population, or other
24 conditions similarly emergent in nature; or (b) a special school
25 housing burden resulting from industrial projects of statewide
26 significance or imposed by virtue of the admission of nonresident
27 students into educational programs established, maintained and operated
28 in conformity with the requirements of law; or (c) a deficiency in the
29 capital funds of the district resulting from financing, subsequent to
30 April 1, 1969, and without benefit of the state assistance provided by
31 prior state assistance programs, the construction of a needed school
32 building project or projects approved in conformity with the
33 requirements of such programs, after having first applied for and been
34 denied state assistance because of the inadequacy of state funds
35 available for the purpose, or (d) a condition created by the fact that
36 an excessive number of students live in state owned housing, or (e) a
37 need for the construction of a school building to provide for improved

1 school district organization or racial balance, or (f) conditions
2 similar to those defined under (a), (b), (c), (d), and (e)
3 (~~hereinabove~~) of this subsection, creating a like emergency.

4 **Sec. 312.** RCW 28A.525.168 and 1990 c 33 s 458 are each amended to
5 read as follows:

6 Whenever the voters of a school district authorize the issuance of
7 bonds and/or the levying of excess taxes in an amount sufficient to
8 meet the requirements of RCW 28A.525.162 respecting eligibility for
9 state assistance in providing school facilities, the taxable valuation
10 of the district and the percentage of state assistance in providing
11 school facilities prevailing at the time of such authorization shall be
12 the valuation and the percentage used for the purpose of determining
13 the eligibility of the district for an allotment of state funds and the
14 amount or amounts of such allotments, respectively, for all projects
15 for which the voters authorize capital funds as aforesaid, unless a
16 higher percentage of state assistance prevails on the date that state
17 funds for assistance in financing a project are allotted by the (~~state~~
18 ~~board of education~~) superintendent of public instruction in which case
19 the percentage prevailing on the date of allotment by the (~~state~~
20 ~~board~~) superintendent of funds for each project shall govern:
21 PROVIDED, That if the (~~state board of education~~) superintendent of
22 public instruction, with recommendations from the school facilities
23 citizen advisory panel, determines at any time that there has been
24 undue or unwarranted delay on the part of school district authorities
25 in advancing a project to the point of readiness for an allotment of
26 state funds, the taxable valuation of the school district and the
27 percentage of state assistance prevailing on the date that the
28 allotment is made shall be used for the purposes aforesaid: PROVIDED,
29 FURTHER, That the date (~~herein~~) specified in this section as
30 applicable in determining the eligibility of an individual school
31 district for state assistance and in determining the amount of such
32 assistance shall be applicable also to cases where it is necessary in
33 administering chapter 28A.540 RCW to determine eligibility for and the
34 amount of state assistance for a group of school districts considered
35 as a single school administrative unit.

1 **Sec. 313.** RCW 28A.525.170 and 1990 c 33 s 459 are each amended to
2 read as follows:

3 If a school district which has qualified for an allotment of state
4 funds under the provisions of RCW (~~28A.525.160 through 28A.525.182~~)
5 28A.525.162 through 28A.525.180 for school building construction is
6 found by the (~~state board of education~~) superintendent of public
7 instruction, with recommendations from the school facilities citizen
8 advisory panel, to have a school housing emergency requiring an
9 allotment of state funds in excess of the amount allocable under RCW
10 28A.525.166, an additional allotment may be made to such district:
11 PROVIDED, That the total amount allotted shall not exceed ninety
12 percent of the total cost of the approved project which may include the
13 cost of the site and equipment. At any time thereafter when the
14 (~~state board of education~~) superintendent, with recommendations from
15 the school facilities citizen advisory panel, finds that the financial
16 position of such school district has improved through an increase in
17 its taxable valuation or through retirement of bonded indebtedness or
18 through a reduction in school housing requirements, or for any
19 combination of these reasons, the amount of such additional allotment,
20 or any part of such amount as the (~~state board of education~~)
21 superintendent, with recommendations from the school facilities citizen
22 advisory panel, determines, shall be deducted, under terms and
23 conditions prescribed by the (~~board~~) superintendent, with
24 recommendations from the school facilities citizen advisory panel, from
25 any state school building construction funds which might otherwise be
26 provided to such district.

27 **Sec. 314.** RCW 28A.525.172 and 1969 ex.s. c 244 s 7 are each
28 amended to read as follows:

29 All applications by school districts for state assistance in
30 providing school plant facilities shall be made to the superintendent
31 of public instruction in conformity with rules (~~and regulations which~~
32 ~~shall be prescribed~~) adopted by the (~~state board of education~~)
33 superintendent of public instruction, with recommendations from the
34 school facilities citizen advisory panel. Studies and surveys shall be
35 conducted by the (~~state board~~) superintendent for the purpose of
36 securing information relating to (a) the kind and extent of the school
37 plant facilities required and the urgency of need for such facilities

1 in districts that seek state assistance, (b) the ability of such
2 districts to provide capital funds by local effort, (c) the need for
3 improvement of school administrative units and school attendance areas
4 among or within such districts, and (d) any other pertinent matters.

5 **Sec. 315.** RCW 28A.525.174 and 1990 c 33 s 460 are each amended to
6 read as follows:

7 It shall be the duty of the (~~state board of education~~)
8 superintendent of public instruction, in consultation with the
9 Washington state department of social and health services, to prepare
10 a manual and/or to specify other materials for the information and
11 guidance of local school district authorities and others responsible
12 for and concerned with the designing, planning, maintenance and
13 operation of school plant facilities for the public schools. In so
14 doing due consideration shall be given to the presentation of
15 information regarding (~~(a)~~) (1) the need for cooperative state-local
16 district action in planning school plant facilities arising out of the
17 cooperative plan for financing said facilities provided for in RCW
18 (~~28A.525.160 through 28A.525.182; (b)~~) 28A.525.162 through
19 28A.525.180; (2) procedures in inaugurating and conducting a school
20 plant planning program for a school district; (~~(c)~~) (3) standards for
21 use in determining the selection and development of school sites and in
22 designing, planning, and constructing school buildings to the end that
23 the health, safety, and educational well-being and development of
24 school children will be served; (~~(d)~~) (4) the planning of readily
25 expansible and flexible school buildings to meet the requirements of an
26 increasing school population and a constantly changing educational
27 program; (~~(e)~~) (5) an acceptable school building maintenance program
28 and the necessity therefor; (~~(f)~~) (6) the relationship of an
29 efficient school building operations service to the health and
30 educational progress of pupils; and (~~(g)~~) (7) any other matters
31 regarded by the (~~state board~~) superintendent as pertinent or related
32 to the purposes and requirements of RCW (~~28A.525.160 through~~
33 ~~28A.525.182~~) 28A.525.162 through 28A.525.180.

34 **Sec. 316.** RCW 28A.525.176 and 1990 c 33 s 461 are each amended to
35 read as follows:

36 The (~~state board of education~~) superintendent of public

1 instruction shall furnish to school districts seeking state assistance
2 under the provisions of RCW ((28A.525.160 through 28A.525.182))
3 28A.525.162 through 28A.525.180 consultatory and advisory service in
4 connection with the development of school building programs and the
5 planning of school plant facilities.

6 **Sec. 317.** RCW 28A.525.178 and 1990 c 33 s 462 are each amended to
7 read as follows:

8 ((Whenever in the judgment of the state board of education)) When
9 economies may be ((effected)) affected without impairing the usefulness
10 and adequacy of school buildings, ((said board)) the superintendent of
11 public instruction, with recommendations from the school facilities
12 citizen advisory panel, may prescribe rules ((and regulations)) and
13 establish procedures governing the preparation and use of modifiable
14 basic or standard plans for school building construction projects for
15 which state assistance funds provided by RCW ((28A.525.160 through
16 28A.525.182)) 28A.525.162 through 28A.525.180 are allotted.

17 **Sec. 318.** RCW 28A.525.180 and 1990 c 33 s 463 are each amended to
18 read as follows:

19 The total amount of funds appropriated under the provisions of RCW
20 ((28A.525.160 through 28A.525.182)) 28A.525.162 through 28A.525.180
21 shall be reduced by the amount of federal funds made available during
22 each biennium for school construction purposes under any applicable
23 federal law. The funds appropriated by RCW ((28A.525.160 through
24 28A.525.182)) 28A.525.162 through 28A.525.180 and available for
25 allotment by the ((state board of education)) superintendent of public
26 instruction, with recommendations from the school facilities citizen
27 advisory panel, shall be reduced by the amount of such federal funds
28 made available. Notwithstanding the foregoing provisions of this
29 section, the total amount of funds appropriated by RCW ((28A.525.160
30 through 28A.525.182)) 28A.525.162 through 28A.525.180 shall not be
31 reduced by reason of any grants to any school district of federal
32 moneys paid under Public Law No. 815 or any other federal act
33 authorizing school building construction assistance to federally
34 affected areas.

1 **Sec. 319.** RCW 28A.525.190 and 1975 1st ex.s. c 98 s 2 are each
2 amended to read as follows:

3 The (~~state board of education~~) superintendent of public
4 instruction, with recommendations from the school facilities citizen
5 advisory panel shall prioritize the construction of common school
6 facilities only from funds appropriated and available in the common
7 school construction fund.

8 **Sec. 320.** RCW 28A.525.200 and 1990 c 33 s 465 are each amended to
9 read as follows:

10 Notwithstanding any other provision of RCW 28A.525.010 through
11 28A.525.222, the allocation and distribution of funds by the (~~state~~
12 ~~board of education which are now or may hereafter be appropriated~~)
13 superintendent of public instruction, with recommendations from the
14 school facilities citizen advisory panel, for the purposes of providing
15 assistance in the construction of school plant facilities shall be
16 governed by (~~RCW 28A.525.010 through 28A.525.080 and 28A.525.162~~
17 ~~through 28A.525.178~~) this chapter.

18 **Sec. 321.** RCW 28A.525.216 and 1990 c 33 s 467 are each amended to
19 read as follows:

20 The proceeds from the sale of the bonds deposited under RCW
21 28A.525.214 in the common school construction fund shall be
22 administered by the (~~state board of education~~) superintendent of
23 public instruction, with recommendations from the school facilities
24 citizen advisory panel.

25 **Sec. 322.** RCW 28A.150.260 and 1997 c 13 s 2 are each amended to
26 read as follows:

27 The basic education allocation for each annual average full time
28 equivalent student shall be determined in accordance with the following
29 procedures:

30 (1) The governor shall and the superintendent of public instruction
31 may recommend to the legislature a formula based on a ratio of students
32 to staff for the distribution of a basic education allocation for each
33 annual average full time equivalent student enrolled in a common
34 school. The distribution formula shall have the primary objective of

1 equalizing educational opportunities and shall provide appropriate
2 recognition of the following costs among the various districts within
3 the state:

4 (a) Certificated instructional staff and their related costs;

5 (b) Certificated administrative staff and their related costs;

6 (c) Classified staff and their related costs;

7 (d) Nonsalary costs;

8 (e) Extraordinary costs of remote and necessary schools as judged
9 by the superintendent of public instruction, with recommendations from
10 the school facilities citizen advisory panel under section 308 of this
11 act, and small high schools, including costs of additional certificated
12 and classified staff; and

13 (f) The attendance of students pursuant to RCW 28A.335.160 and
14 28A.225.250 who do not reside within the servicing school district.

15 (2)(a) This formula for distribution of basic education funds shall
16 be reviewed biennially by the superintendent and governor. The
17 recommended formula shall be subject to approval, amendment or
18 rejection by the legislature. The formula shall be for allocation
19 purposes only. While the legislature intends that the allocations for
20 additional instructional staff be used to increase the ratio of such
21 staff to students, nothing in this section shall require districts to
22 reduce the number of administrative staff below existing levels.

23 (b) The formula adopted by the legislature shall reflect the
24 following ratios at a minimum: (i) Forty-nine certificated
25 instructional staff to one thousand annual average full time equivalent
26 students enrolled in grades kindergarten through three; (ii) forty-six
27 certificated instructional staff to one thousand annual average full
28 time equivalent students in grades four through twelve; (iii) four
29 certificated administrative staff to one thousand annual average full
30 time equivalent students in grades kindergarten through twelve; and
31 (iv) sixteen and sixty-seven one-hundredths classified personnel to one
32 thousand annual average full time equivalent students enrolled in
33 grades kindergarten through twelve.

34 (c) In the event the legislature rejects the distribution formula
35 recommended by the governor, without adopting a new distribution
36 formula, the distribution formula for the previous school year shall
37 remain in effect: PROVIDED, That the distribution formula developed
38 pursuant to this section shall be for state apportionment and

1 equalization purposes only and shall not be construed as mandating
2 specific operational functions of local school districts other than
3 those program requirements identified in RCW 28A.150.220 and
4 28A.150.100. The enrollment of any district shall be the annual
5 average number of full time equivalent students and part time students
6 as provided in RCW 28A.150.350, enrolled on the first school day of
7 each month and shall exclude full time equivalent students with
8 disabilities recognized for the purposes of allocation of state funds
9 for programs under RCW 28A.155.010 through 28A.155.100. The definition
10 of full time equivalent student shall be determined by rules of the
11 superintendent of public instruction: PROVIDED, That the definition
12 shall be included as part of the superintendent's biennial budget
13 request: PROVIDED, FURTHER, That any revision of the present
14 definition shall not take effect until approved by the house
15 appropriations committee and the senate ways and means committee:
16 PROVIDED, FURTHER, That the office of financial management shall make
17 a monthly review of the superintendent's reported full time equivalent
18 students in the common schools in conjunction with RCW 43.62.050.

19 (3)(a) Certificated instructional staff shall include those persons
20 employed by a school district who are nonsupervisory employees within
21 the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases,
22 people of unusual competence but without certification may teach
23 students so long as a certificated person exercises general
24 supervision: PROVIDED, FURTHER, That the hiring of such classified
25 people shall not occur during a labor dispute and such classified
26 people shall not be hired to replace certificated employees during a
27 labor dispute.

28 (b) Certificated administrative staff shall include all those
29 persons who are chief executive officers, chief administrative
30 officers, confidential employees, supervisors, principals, or assistant
31 principals within the meaning of RCW 41.59.020(4).

32 **Sec. 323.** RCW 28A.335.160 and 1995 c 335 s 604 are each amended to
33 read as follows:

34 Any school district may cooperate with one or more school districts
35 in the joint financing, planning, construction, equipping and operating
36 of any educational facility otherwise authorized by law: PROVIDED,
37 That any cooperative financing plan involving the construction of

1 school plant facilities must be approved by the (~~state board of~~
2 ~~education~~) superintendent of public instruction, with recommendations
3 from the school facilities citizen advisory panel under section 308 of
4 this act, pursuant to such rules (~~as may now or hereafter be~~
5 ~~promulgated~~) adopted relating to state approval of school
6 construction.

7 **Sec. 324.** RCW 28A.540.050 and 1990 c 33 s 485 are each amended to
8 read as follows:

9 Subsequent to the holding of a hearing or hearings as provided in
10 RCW 28A.540.040, the regional committee on school district organization
11 shall determine the nonhigh school districts to be included in the plan
12 and the amount of capital funds to be provided by every school district
13 included therein, and shall submit the proposed plan to the (~~state~~
14 ~~board of education~~) superintendent of public instruction together with
15 such maps and other materials pertaining thereto as the (~~state board~~)
16 superintendent may require. The (~~state board~~) superintendent, with
17 recommendations from the school facilities citizen advisory panel under
18 section 308 of this act, shall review such plan, shall approve any plan
19 which in (~~its~~) his or her judgment makes adequate and satisfactory
20 provision for participation by the nonhigh school districts in
21 providing capital funds to be used for the purpose above stated, and
22 shall notify the regional committee of such action. Upon receipt by
23 the regional committee of such notification, the educational service
24 district superintendent, or his or her designee, shall notify the board
25 of directors of each school district included in the plan, supplying
26 each board with complete details of the plan and shall state the total
27 amount of funds to be provided and the amount to be provided by each
28 district.

29 If any such plan submitted by a regional committee is not approved
30 by the (~~state board~~) superintendent of public instruction, the
31 regional committee shall be so notified, which notification shall
32 contain a statement of reasons therefor and suggestions for revision.
33 Within sixty days thereafter the regional committee shall submit to the
34 (~~state board~~) superintendent a revised plan which revision shall be
35 subject to approval or disapproval by the (~~state board~~)
36 superintendent, with recommendations from the school facilities citizen

1 advisory panel, and the procedural requirements and provisions of law
2 applicable to an original plan submitted to (~~said board~~) the
3 superintendent.

4 NEW SECTION. Sec. 325. A new section is added to chapter 28A.545
5 RCW to read as follows:

6 The superintendent of public instruction, with recommendations from
7 the school facilities citizen advisory panel under section 308 of this
8 act, shall adopt rules governing the establishment in any existing
9 nonhigh school district of any secondary program or any new grades in
10 grades nine through twelve. Before any such program or any new grades
11 are established, the district must obtain prior approval of the
12 superintendent of public instruction.

13 **Sec. 326.** RCW 28A.150.530 and 2005 c 12 s 7 are each amended to
14 read as follows:

15 (1) In adopting implementation rules, (~~the state board of~~
16 ~~education, in consultation with~~) the superintendent of public
17 instruction (~~and~~), in consultation with the department of general
18 administration, shall review and modify the current requirement for an
19 energy conservation report review by the department of general
20 administration as provided in WAC 180-27-075.

21 (2) In adopting implementation rules, (~~the state board of~~
22 ~~education, in consultation with~~) the superintendent of public
23 instruction shall:

24 (a) Review and modify the current requirements for value
25 engineering, constructability review, and building commissioning as
26 provided in WAC 180-27-080;

27 (b) Review private and public utility providers' capacity and
28 financial/technical assistance programs for affected public school
29 districts to monitor and report utility consumption for purposes of
30 reporting to the superintendent of public instruction as provided in
31 RCW 39.35D.040;

32 (c) Coordinate with the department of general administration, the
33 state board of health, the department of ecology, federal agencies, and
34 other affected agencies as appropriate in their consideration of rules
35 to implement this section.

1 **Sec. 327.** RCW 28A.335.210 and 2005 c 36 s 1 are each amended to
2 read as follows:

3 The (~~state board of education and~~) superintendent of public
4 instruction shall allocate, as a nondeductible item, out of any moneys
5 appropriated for state assistance to school districts for the original
6 construction of any school plant facility the amount of one-half of one
7 percent of the appropriation to be expended by the Washington state
8 arts commission for the acquisition of works of art. The works of art
9 may be placed in accordance with Article IX, sections 2 and 3 of the
10 state Constitution on public lands, integral to or attached to a public
11 building or structure, detached within or outside a public building or
12 structure, part of a portable exhibition or collection, part of a
13 temporary exhibition, or loaned or exhibited in other public
14 facilities. The Washington state arts commission shall, in
15 consultation with the superintendent of public instruction, determine
16 the amount to be made available for the purchase of works of art under
17 this section, and payments therefor shall be made in accordance with
18 law. The designation of projects and sites, selection, contracting,
19 purchase, commissioning, reviewing of design, execution and placement,
20 acceptance, maintenance, and sale, exchange, or disposition of works of
21 art shall be the responsibility of the Washington state arts commission
22 in consultation with the superintendent of public instruction and
23 representatives of school district boards of directors. The
24 superintendent of public instruction and the school district board of
25 directors of the districts where the sites are selected shall have the
26 right to:

27 (1) Waive its use of the one-half of one percent of the
28 appropriation for the acquisition of works of art before the selection
29 process by the Washington state arts commission;

30 (2) Appoint a representative to the body established by the
31 Washington state arts commission to be part of the selection process
32 with full voting rights;

33 (3) Reject the results of the selection process;

34 (4) Reject the placement of a completed work or works of art on
35 school district premises if such works are portable.

36 Rejection at any point before or after the selection process shall
37 not cause the loss of or otherwise endanger state construction funds
38 available to the local school district. Any works of art rejected

1 under this section shall be applied to the provision of works of art
2 under this chapter, at the discretion of the Washington state arts
3 commission, notwithstanding any contract or agreement between the
4 affected school district and the artist involved. In addition to the
5 cost of the works of art the one-half of one percent of the
6 appropriation as provided (~~herein~~) in this section shall be used to
7 provide for the administration, including conservation of the state art
8 collection, by the Washington state arts commission and all costs for
9 installation of the work of art. For the purpose of this section
10 building shall not include sheds, warehouses, or other buildings of a
11 temporary nature.

12 The executive director of the arts commission, the superintendent
13 of public instruction, and the Washington state school directors
14 association shall appoint a study group to review the operations of the
15 one-half of one percent for works of art under this section.

16 **Sec. 328.** RCW 28A.335.230 and 1987 c 112 s 1 are each amended to
17 read as follows:

18 School districts shall be required to lease for a reasonable fee
19 vacant school plant facilities from a contiguous school district
20 wherever possible.

21 No school district with unhoused students may be eligible for the
22 state matching funds for the construction of school plant facilities
23 if:

24 (1) The school district contiguous to the school district applying
25 for the state matching percentage has vacant school plant facilities;

26 (2) The superintendent of public instruction (~~and the state board
27 of education have~~) has determined the vacant school plant facilities
28 available in the contiguous district will fulfill the needs of the
29 applicant district in housing unhoused students. In determining
30 whether the contiguous district school plant facilities meet the needs
31 of the applicant district, consideration shall be given, but not
32 limited to the geographic location of the vacant facilities as they
33 relate to the applicant district; and

34 (3) A lease of the vacant school plant facilities can be
35 negotiated.

1 **Sec. 329.** RCW 28A.540.070 and 1990 c 33 s 486 are each amended to
2 read as follows:

3 In the event that a proposal or proposals for providing capital
4 funds as provided in RCW 28A.540.060 is not approved by the voters of
5 a nonhigh school district a second election thereon shall be held
6 within sixty days thereafter. If the vote of the electors of the
7 nonhigh school district is again in the negative, the high school
8 students residing therein shall not be entitled to admission to the
9 high school under the provisions of RCW 28A.225.210, following the
10 close of the school year during which the second election is held:
11 PROVIDED, That in any such case the regional committee on school
12 district organization shall determine within thirty days after the date
13 of the aforesaid election the advisability of initiating a proposal for
14 annexation of such nonhigh school district to the school district in
15 which the proposed facilities are to be located or to some other
16 district where its students can attend high school without undue
17 inconvenience: PROVIDED FURTHER, That pending such determination by
18 the regional committee and action thereon as required by law the board
19 of directors of the high school district shall continue to admit high
20 school students residing in the nonhigh school district. Any proposal
21 for annexation of a nonhigh school district initiated by a regional
22 committee shall be subject to the procedural requirements of this
23 chapter respecting a public hearing and submission to and approval by
24 the ((state board of education)) superintendent of public instruction,
25 with recommendations from the school facilities citizen advisory panel
26 under section 308 of this act. Upon approval by the ((state board))
27 superintendent of public instruction of any such proposal, the
28 educational service district superintendent shall make an order,
29 establishing the annexation.

30 NEW SECTION. **Sec. 330.** The following sections are each
31 decodified:

32 RCW 28A.525.120

33 RCW 28A.525.122

34 RCW 28A.525.124

35 RCW 28A.525.126

36 RCW 28A.525.128

37 RCW 28A.525.130

1 RCW 28A.525.132
2 RCW 28A.525.134
3 RCW 28A.525.140
4 RCW 28A.525.142
5 RCW 28A.525.144
6 RCW 28A.525.146
7 RCW 28A.525.148
8 RCW 28A.525.150
9 RCW 28A.525.152
10 RCW 28A.525.154
11 RCW 28A.525.156
12 RCW 28A.525.158
13 RCW 28A.525.160
14 RCW 28A.525.182

15 **PART 4**

16 **COURSES OF STUDY AND EDUCATIONAL PROGRAMS**

17 **Sec. 401.** RCW 28A.305.220 and 2004 c 19 s 108 are each amended to
18 read as follows:

19 (1) The (~~state board of education~~) superintendent of public
20 instruction, in consultation with the higher education coordinating
21 board, the state board for community and technical colleges, and the
22 work force training and education coordinating board, shall develop for
23 use by all public school districts a standardized high school
24 transcript. The (~~state board of education~~) superintendent shall
25 establish clear definitions for the terms "credits" and "hours" so that
26 school programs operating on the quarter, semester, or trimester system
27 can be compared.

28 (2) The standardized high school transcript shall include the
29 following information:

30 (a) The highest scale score and level achieved in each content area
31 on the high school Washington assessment of student learning or other
32 high school measures successfully completed by the student as provided
33 by RCW 28A.655.061 and 28A.155.045;

34 (b) All scholar designations as provided by RCW 28A.655.061;

35 (c) A notation of whether the student has earned a certificate of

1 individual achievement or a certificate of academic achievement by
2 means of the Washington assessment of student learning or by an
3 alternative assessment.

4 (3) Transcripts are important documents to students who will apply
5 for admission to postsecondary institutions of higher education.
6 Transcripts are also important to students who will seek employment
7 upon or prior to graduation from high school. It is recognized that
8 student transcripts may be the only record available to employers in
9 their decision-making processes regarding prospective employees. The
10 superintendent of public instruction shall require school districts to
11 inform annually all high school students that prospective employers may
12 request to see transcripts and that the prospective employee's decision
13 to release transcripts can be an important part of the process of
14 applying for employment.

15 **Sec. 402.** RCW 28A.230.100 and 1991 c 116 s 8 are each amended to
16 read as follows:

17 The (~~state board of education~~) superintendent of public
18 instruction, in consultation with the higher education coordinating
19 board, the state board for community and technical colleges, and the
20 work force training and education coordinating board, shall adopt rules
21 pursuant to chapter 34.05 RCW, to implement the course requirements set
22 forth in RCW 28A.230.090. The rules shall include, as the (~~state~~
23 ~~board~~) superintendent deems necessary, granting equivalencies for and
24 temporary exemptions from the course requirements in RCW 28A.230.090
25 and special alterations of the course requirements in RCW 28A.230.090.
26 In developing such rules the (~~state board~~) superintendent shall
27 recognize the relevance of vocational and applied courses and allow
28 such courses to fulfill in whole or in part the courses required for
29 graduation in RCW 28A.230.090. The rules may include provisions for
30 competency testing in lieu of such courses required for graduation in
31 RCW 28A.230.090 or demonstration of specific skill proficiency or
32 understanding of concepts through work or experience.

33 **Sec. 403.** RCW 28A.230.170 and 1985 c 341 s 1 are each amended to
34 read as follows:

35 The study of the Constitution of the United States and the
36 Constitution of the state of Washington shall be a condition

1 prerequisite to graduation from the public and private high schools of
2 this state. The (~~state board of education acting upon the advice of~~
3 ~~the~~) superintendent of public instruction shall provide by rule (~~or~~
4 ~~regulation~~) for the implementation of this section.

5 NEW SECTION. **Sec. 404.** The state board of education, in
6 consultation with the state board for community and technical colleges,
7 shall examine the statutory authority, rules, and jurisdiction between
8 the K-12 and postsecondary education systems regarding the general
9 educational development test and adult education. The board shall make
10 recommendations for change or clarification to the education committees
11 of the legislature by January 15, 2007.

12 **Sec. 405.** RCW 28A.305.170 and 2002 c 291 s 3 are each amended to
13 read as follows:

14 (1) In addition to any other powers and duties as provided by law,
15 the (~~state board of education~~) superintendent of public instruction,
16 in consultation with the military department, shall adopt rules
17 governing and authorizing the acceptance of national guard high school
18 career training and the national guard youth challenge program in lieu
19 of either required high school credits or elective high school credits.

20 (2) With the exception of students enrolled in the national guard
21 youth challenge program, students enrolled in such national guard
22 programs shall be considered enrolled in the common school last
23 attended preceding enrollment in such national guard program.

24 (3) The (~~board~~) superintendent shall adopt rules to ensure that
25 students who successfully complete the national guard youth challenge
26 program are granted an appropriate number of high school credits, based
27 on the students' levels of academic proficiency as measured by the
28 program.

29 **Sec. 406.** RCW 28A.230.130 and 2003 c 49 s 2 are each amended to
30 read as follows:

31 (1) All public high schools of the state shall provide a program,
32 directly or in cooperation with a community college or another school
33 district, for students whose educational plans include application for
34 entrance to a baccalaureate-granting institution after being granted a

1 high school diploma. The program shall help these students to meet at
2 least the minimum entrance requirements under RCW 28B.10.050.

3 (2) All public high schools of the state shall provide a program,
4 directly or in cooperation with a community or technical college, a
5 skills center, an apprenticeship committee, or another school district,
6 for students who plan to pursue career or work opportunities other than
7 entrance to a baccalaureate-granting institution after being granted a
8 high school diploma. These programs may:

9 (a) Help students demonstrate the application of essential academic
10 learning requirements to the world of work, occupation-specific skills,
11 knowledge of more than one career in a chosen pathway, and
12 employability and leadership skills; and

13 (b) Help students demonstrate the knowledge and skill needed to
14 prepare for industry certification, and/or have the opportunity to
15 articulate to postsecondary education and training programs.

16 ~~((3) The state board of education, upon request from local school
17 districts, may grant waivers from the requirements to provide the
18 program described in subsections (1) and (2) of this section for
19 reasons relating to school district size and the availability of staff
20 authorized to teach subjects which must be provided. In considering
21 waiver requests related to programs in subsection (2) of this section,
22 the state board of education shall consider the extent to which the
23 school district has offered such programs before the 2003-04 school
24 year.))~~

25 **Sec. 407.** RCW 28A.205.010 and 2005 c 497 s 214 are each amended to
26 read as follows:

27 (1) As used in this chapter, unless the context thereof shall
28 clearly indicate to the contrary:

29 "Education center" means any private school operated on a profit or
30 nonprofit basis which does the following:

31 (a) Is devoted to the teaching of basic academic skills, including
32 specific attention to improvement of student motivation for achieving,
33 and employment orientation.

34 (b) Operates on a clinical, client centered basis. This shall
35 include, but not be limited to, performing diagnosis of individual
36 educational abilities, determination and setting of individual goals,

1 prescribing and providing individual courses of instruction therefor,
2 and evaluation of each individual client's progress in his or her
3 educational program.

4 (c) Conducts courses of instruction by professionally trained
5 personnel certificated by the Washington professional educator
6 standards board according to rules adopted for the purposes of this
7 chapter and providing, for certification purposes, that a year's
8 teaching experience in an education center shall be deemed equal to a
9 year's teaching experience in a common or private school.

10 (2) For purposes of this chapter, basic academic skills shall
11 include the study of mathematics, speech, language, reading and
12 composition, science, history, literature and political science or
13 civics; it shall not include courses of a vocational training nature
14 and shall not include courses deemed nonessential to the accrediting
15 (~~of the common schools~~) or the approval of private schools under RCW
16 28A.305.130.

17 (3) The (~~state board of education~~) superintendent of public
18 instruction shall certify an education center only upon application and
19 (a) determination that such school comes within the definition thereof
20 as set forth in subsection (1) of this section and (b) demonstration on
21 the basis of actual educational performance of such applicants'
22 students which shows after consideration of their students'
23 backgrounds, educational gains that are a direct result of the
24 applicants' educational program. Such certification may be withdrawn
25 if the (~~board~~) superintendent finds that a center fails to provide
26 adequate instruction in basic academic skills. No education center
27 certified by the (~~state board of education~~) superintendent of public
28 instruction pursuant to this section shall be deemed a common school
29 under RCW 28A.150.020 or a private school for the purposes of RCW
30 28A.195.010 through 28A.195.050.

31 **Sec. 408.** RCW 28A.215.010 and 1995 c 335 s 104 are each amended to
32 read as follows:

33 The board of directors of any school district shall have the power
34 to establish and maintain preschools and to provide before-and-after-
35 school and vacation care in connection with the common schools of said
36 district located at such points as the board shall deem most suitable
37 for the convenience of the public, for the care and instruction of

1 infants and children residing in said district. The board shall
2 establish such courses, activities, rules, and regulations governing
3 preschools and before-and-after-school care as it may deem best:
4 PROVIDED, That these courses and activities shall meet the minimum
5 standard for such preschools as established by the United States
6 department of health, education and welfare, or its successor agency,
7 and the ~~((state board of education))~~ superintendent of public
8 instruction. Except as otherwise provided by state or federal law, the
9 board of directors may fix a reasonable charge for the care and
10 instruction of children attending such schools. The board may, if
11 necessary, supplement such funds as are received for the superintendent
12 of public instruction or any agency of the federal government, by an
13 appropriation from the general school fund of the district.

14 **Sec. 409.** RCW 28A.215.020 and 1995 c 335 s 308 are each amended to
15 read as follows:

16 Expenditures under federal funds and/or state appropriations made
17 to carry out the purposes of RCW 28A.215.010 through 28A.215.050 shall
18 be made by warrants issued by the state treasurer upon order of the
19 superintendent of public instruction. The ~~((state board of education))~~
20 superintendent of public instruction shall make necessary rules ~~((and~~
21 ~~regulations))~~ to carry out the purpose of RCW 28A.215.010. After being
22 notified by the office of the governor that there is an agency or
23 department responsible for early learning, the superintendent shall
24 consult with that agency when establishing relevant rules.

25 **Sec. 410.** RCW 28A.205.040 and 1999 c 348 s 4 are each amended to
26 read as follows:

27 (1)(a) From funds appropriated for that purpose, the superintendent
28 of public instruction shall pay fees to a certified center on a monthly
29 basis for each student enrolled in compliance with RCW 28A.205.020.
30 The superintendent shall set fees by rule.

31 (b) Revisions in such fees proposed by an education center shall
32 become effective after thirty days notice unless the superintendent
33 finds such a revision is unreasonable in which case the revision shall
34 not take effect. ~~((An education center may, within fifteen days after~~
35 ~~such a finding by the superintendent, file notification of appeal with~~
36 ~~the state board of education which shall, no later than its second~~

1 ~~regularly scheduled meeting following notification of such appeal,~~
2 ~~either grant or deny the proposed revision.))~~ The administration of
3 any general education development test shall not be a part of such
4 initial diagnostic procedure.

5 (c) Reimbursements shall not be made for students who are absent.

6 (d) No center shall make any charge to any student, or the
7 student's parent, guardian or custodian, for whom a fee is being
8 received under the provisions of this section.

9 (2) Payments shall be made from available funds first to those
10 centers that have in the judgment of the superintendent demonstrated
11 superior performance based upon consideration of students' educational
12 gains taking into account such students' backgrounds, and upon
13 consideration of cost effectiveness. In considering the cost
14 effectiveness of nonprofit centers the superintendent shall take into
15 account not only payments made under this section but also factors such
16 as tax exemptions, direct and indirect subsidies or any other cost to
17 taxpayers at any level of government which result from such nonprofit
18 status.

19 (3) To be eligible for such payment, every such center, without
20 prior notice, shall permit a review of its accounting records by
21 personnel of the state auditor during normal business hours.

22 (4) If total funds for this purpose approach depletion, the
23 superintendent shall notify the centers of the date after which further
24 funds for reimbursement of the centers' services will be exhausted.

25 **Sec. 411.** RCW 28A.215.140 and 1988 c 174 s 5 are each amended to
26 read as follows:

27 The department shall establish an advisory committee composed of
28 interested parents and representatives from (~~the state board of~~
29 ~~education,~~) the office of the superintendent of public instruction,
30 the division of children and family services within the department of
31 social and health services, early childhood education and development
32 staff preparation programs, the head start programs, school districts,
33 and such other community and business organizations as deemed necessary
34 by the department to assist with the establishment of the preschool
35 program and advise the department on matters regarding the on-going
36 promotion and operation of the program.

1 **Sec. 412.** RCW 28A.230.020 and 1991 c 116 s 6 are each amended to
2 read as follows:

3 All common schools shall give instruction in reading, penmanship,
4 orthography, written and mental arithmetic, geography, the history of
5 the United States, English grammar, physiology and hygiene with special
6 reference to the effects of alcohol and drug abuse on the human system,
7 science with special reference to the environment, and such other
8 studies as may be prescribed by rule (~~((or regulation))~~) of the (~~((state
9 board of education))~~) superintendent of public instruction. All
10 teachers shall stress the importance of the cultivation of manners, the
11 fundamental principles of honesty, honor, industry and economy, the
12 minimum requisites for good health including the beneficial effect of
13 physical exercise and methods to prevent exposure to and transmission
14 of sexually transmitted diseases, and the worth of kindness to all
15 living creatures and the land. The prevention of child abuse may be
16 offered as part of the curriculum in the common schools.

17 **Sec. 413.** RCW 28A.230.040 and 1984 c 52 s 1 are each amended to
18 read as follows:

19 Every pupil attending grades one through eight of the public
20 schools shall receive instruction in physical education as prescribed
21 by rule (~~((or regulation))~~) of the (~~((state board of education))~~)
22 superintendent of public instruction: PROVIDED, That individual pupils
23 or students may be excused on account of physical disability, religious
24 belief, or participation in directed athletics.

25 **Sec. 414.** RCW 28A.230.050 and 1985 c 384 s 3 are each amended to
26 read as follows:

27 All high schools of the state shall emphasize the work of physical
28 education, and carry into effect all physical education requirements
29 established by rule (~~((or regulation))~~) of the (~~((state board of
30 education))~~) superintendent of public instruction: PROVIDED, That
31 individual students may be excused from participating in physical
32 education otherwise required under this section on account of physical
33 disability, employment, or religious belief, or because of
34 participation in directed athletics or military science and tactics or
35 for other good cause.

1 **Sec. 415.** RCW 28A.330.100 and 1995 c 335 s 503 and 1995 c 77 s 22
2 are each reenacted and amended to read as follows:

3 Every board of directors of a school district of the first class,
4 in addition to the general powers for directors enumerated in this
5 title, shall have the power:

6 (1) To employ for a term of not exceeding three years a
7 superintendent of schools of the district, and for cause to dismiss him
8 or her((÷)), and to fix his or her duties and compensation((÷));

9 (2) To employ, and for cause dismiss one or more assistant
10 superintendents and to define their duties and fix their
11 compensation((÷));

12 (3) To employ a business manager, attorneys, architects, inspectors
13 of construction, superintendents of buildings and a superintendent of
14 supplies, all of whom shall serve at the board's pleasure, and to
15 prescribe their duties and fix their compensation((÷));

16 (4) To employ, and for cause dismiss, supervisors of instruction
17 and to define their duties and fix their compensation((÷));

18 (5) To prescribe a course of study and a program of exercises which
19 shall be consistent with the course of study prepared by the ((state
20 ~~board of education~~)) superintendent of public instruction for the use
21 of the common schools of this state((÷));

22 (6) To, in addition to the minimum requirements imposed by this
23 title establish and maintain such grades and departments, including
24 night, high, kindergarten, vocational training and, except as otherwise
25 provided by law, industrial schools, and schools and departments for
26 the education and training of any class or classes of youth with
27 disabilities, as in the judgment of the board, best shall promote the
28 interests of education in the district((÷));

29 (7) To determine the length of time over and above one hundred
30 eighty days that school shall be maintained: PROVIDED, That for
31 purposes of apportionment no district shall be credited with more than
32 one hundred and eighty-three days' attendance in any school year; and
33 to fix the time for annual opening and closing of schools and for the
34 daily dismissal of pupils before the regular time for closing
35 schools((÷));

36 (8) To maintain a shop and repair department, and to employ, and
37 for cause dismiss, a foreman and the necessary help for the maintenance
38 and conduct thereof((÷));

1 (9) To provide free textbooks and supplies for all children
2 attending school((~~-~~));i

3 (10) To require of the officers or employees of the district to
4 give a bond for the honest performance of their duties in such penal
5 sum as may be fixed by the board with good and sufficient surety, and
6 to cause the premium for all bonds required of all such officers or
7 employees to be paid by the district: PROVIDED, That the board may, by
8 written policy, allow that such bonds may include a deductible proviso
9 not to exceed two percent of the officer's or employee's annual
10 salary((~~-~~));i

11 (11) To prohibit all secret fraternities and sororities among the
12 students in any of the schools of the said districts((~~-~~));and

13 (12) To appoint a practicing physician, resident of the school
14 district, who shall be known as the school district medical inspector,
15 and whose duty it shall be to decide for the board of directors all
16 questions of sanitation and health affecting the safety and welfare of
17 the public schools of the district who shall serve at the board's
18 pleasure: PROVIDED, That children shall not be required to submit to
19 vaccination against the will of their parents or guardian.

20 NEW SECTION. Sec. 416. RCW 28A.305.220 is recodified as a new
21 section in chapter 28A.230 RCW.

22 NEW SECTION. Sec. 417. RCW 28A.305.170 is recodified as a new
23 section in chapter 28A.300 RCW.

24 **PART 5**
25 **SCHOOL DISTRICT BOUNDARIES**

26 **Sec. 501.** RCW 28A.315.175 and 1999 c 315 s 302 are each amended to
27 read as follows:

28 ((~~The powers and duties of the state board with respect to this~~
29 ~~chapter shall be~~)) The superintendent of public instruction shall:

30 (1) ((~~Te~~)) Aid regional committees in the performance of their
31 duties by furnishing them with plans of procedure, standards, data,
32 maps, forms, and other necessary materials and services essential to a
33 study and understanding of the problems of school district organization
34 in their respective educational service districts((~~-~~));and

1 (2) (~~To hear appeals as provided in RCW 28A.315.205~~) Carry out
2 powers and duties of the superintendent of public instruction relating
3 to the organization and reorganization of school districts.

4 **Sec. 502.** RCW 28A.315.195 and 2003 c 413 s 2 are each amended to
5 read as follows:

6 (1) A proposed change in school district organization by transfer
7 of territory from one school district to another may be initiated by a
8 petition in writing presented to the educational service district
9 superintendent:

10 (a) Signed by at least fifty percent plus one of the active
11 registered voters residing in the territory proposed to be transferred;
12 or

13 (b) Signed by a majority of the members of the board of directors
14 of one of the districts affected by a proposed transfer of territory.

15 (2) The petition shall state the name and number of each district
16 affected, describe the boundaries of the territory proposed to be
17 transferred, and state the reasons for desiring the change and the
18 number of children of school age, if any, residing in the territory.

19 (3) The educational service district superintendent shall not
20 complete any transfer of territory under this section that involves ten
21 percent or more of the common school student population of the entire
22 district from which the transfer is proposed, unless the educational
23 service district superintendent has first called and held a special
24 election of the voters of the entire school district from which the
25 transfer of territory is proposed. The purpose of the election is to
26 afford those voters an opportunity to approve or reject the proposed
27 transfer. A simple majority shall determine approval or rejection.

28 (4) The (~~state board~~) superintendent of public instruction may
29 establish rules limiting the frequency of petitions that may be filed
30 pertaining to territory included in whole or in part in a previous
31 petition.

32 (5) Upon receipt of the petition, the educational service district
33 superintendent shall notify in writing the affected districts that:

34 (a) Each school district board of directors, whether or not
35 initiating a proposed transfer of territory, is required to enter into
36 negotiations with the affected district or districts;

1 (b) In the case of a citizen-initiated petition, the affected
2 districts must negotiate on the entire proposed transfer of territory;

3 (c) The districts have ninety calendar days in which to agree to
4 the proposed transfer of territory;

5 (d) The districts may request and shall be granted by the
6 educational service district superintendent one thirty-day extension to
7 try to reach agreement; and

8 (e) Any district involved in the negotiations may at any time
9 during the ninety-day period notify the educational service district
10 superintendent in writing that agreement will not be possible.

11 (6) If the negotiating school boards cannot come to agreement about
12 the proposed transfer of territory, the educational service district
13 superintendent, if requested by the affected districts, shall appoint
14 a mediator. The mediator has thirty days to work with the affected
15 school districts to see if an agreement can be reached on the proposed
16 transfer of territory.

17 (7) If the affected school districts cannot come to agreement about
18 the proposed transfer of territory, and the districts do not request
19 the services of a mediator or the mediator was unable to bring the
20 districts to agreement, either district may file with the educational
21 service district superintendent a written request for a hearing by the
22 regional committee.

23 (8) If the affected school districts cannot come to agreement about
24 the proposed transfer of territory initiated by citizen petition, and
25 the districts do not request the services of a mediator or the mediator
26 was unable to bring the districts to agreement, the district in which
27 the citizens who filed the petition reside shall file with the
28 educational service district superintendent a written request for a
29 hearing by the regional committee, unless a majority of the citizen
30 petitioners request otherwise.

31 (9) Upon receipt of a notice under subsection (7) or (8) of this
32 section, the educational service district superintendent shall notify
33 the chair of the regional committee in writing within ten days.

34 (10) Costs incurred by school districts under this section shall be
35 reimbursed by the state from such funds as are appropriated for this
36 purpose.

1 **Sec. 503.** RCW 28A.315.205 and 2003 c 413 s 1 are each amended to
2 read as follows:

3 (1) The chair of the regional committee shall schedule a hearing on
4 the proposed transfer of territory at a location in the educational
5 service district within sixty calendar days of being notified under RCW
6 28A.315.195 (7) or (8).

7 (2) Within thirty calendar days of the hearing under subsection (1)
8 of this section, or final hearing if more than one is held by the
9 committee, the committee shall issue its written findings and decision
10 to approve or disapprove the proposed transfer of territory. The
11 educational service district superintendent shall transmit a copy of
12 the committee's decision to the superintendents of the affected school
13 districts within ten calendar days.

14 (3) In carrying out the purposes of RCW 28A.315.015 and in making
15 decisions as authorized under RCW 28A.315.095(1), the regional
16 committee shall base its judgment upon whether and to the extent the
17 proposed change in school district organization complies with RCW
18 28A.315.015(2) and rules adopted by the (~~state board~~) superintendent
19 of public instruction under chapter 34.05 RCW.

20 (4) (~~State board~~) The rules under subsection (3) of this section
21 shall provide for giving consideration to all of the following:

22 (a) Student educational opportunities as measured by the percentage
23 of students performing at each level of the statewide mandated
24 assessments and data regarding student attendance, graduation, and
25 dropout rates;

26 (b) The safety and welfare of pupils. For the purposes of this
27 subsection, "safety" means freedom or protection from danger, injury,
28 or damage and "welfare" means a positive condition or influence
29 regarding health, character, and well-being;

30 (c) The history and relationship of the property affected to the
31 students and communities affected, including, for example, inclusion
32 within a single school district, for school attendance and
33 corresponding tax support purposes, of entire master planned
34 communities that were or are to be developed pursuant to an integrated
35 commercial and residential development plan with over one thousand
36 dwelling units;

37 (d) Whether or not geographic accessibility warrants a favorable

1 consideration of a recommended change in school district organization,
2 including remoteness or isolation of places of residence and time
3 required to travel to and from school; and

4 (e) All funding sources of the affected districts, equalization
5 among school districts of the tax burden for general fund and capital
6 purposes through a reduction in disparities in per pupil valuation when
7 all funding sources are considered, improvement in the economies in the
8 administration and operation of schools, and the extent the proposed
9 change would potentially reduce or increase the individual and
10 aggregate transportation costs of the affected school districts.

11 ~~((5)(a)(i) A petitioner or school district may appeal a decision
12 by the regional committee to the state board based on the claim that
13 the regional committee failed to follow the applicable statutory and
14 regulatory procedures or acted in an arbitrary and capricious manner.
15 Any such appeal shall be based on the record and the appeal must be
16 filed within thirty days of the final decision of the regional
17 committee.~~

18 ~~(ii) If the state board finds that all applicable procedures were
19 not followed or that the regional committee acted in an arbitrary and
20 capricious manner, it shall refer the matter back to the regional
21 committee with an explanation of the board's findings. The regional
22 committee shall rehear the proposal.~~

23 ~~(iii) If the state board finds that all applicable procedures were
24 followed or that the regional committee did not act in an arbitrary and
25 capricious manner, depending on the appeal, the educational service
26 district shall be notified and directed to implement the changes.~~

27 ~~(b) Any school district or citizen petitioner affected by a final
28 decision of the regional committee may seek judicial review of the
29 committee's decision in accordance with RCW 34.05.570.)~~

30 NEW SECTION. **Sec. 504.** A new section is added to chapter 28A.315
31 RCW to read as follows:

32 Any school district or citizen petitioner affected by a final
33 decision of the regional committee may seek an appeal in accordance
34 with the administrative procedure act, chapter 34.05 RCW.

35 **Sec. 505.** RCW 28A.315.015 and 1999 c 315 s 101 are each amended to
36 read as follows:

1 (1) It is the purpose of this chapter to:
2 (a) Incorporate into a single, comprehensive, school district
3 organization law all essential provisions governing:
4 (i) The formation and establishment of new school districts;
5 (ii) The alteration of the boundaries of existing districts; and
6 (iii) The adjustment of the assets and liabilities of school
7 districts when changes are made under this chapter; and
8 (b) Establish methods and procedures whereby changes in the school
9 district system may be brought about by the people concerned and
10 affected.

11 (2) It is the state's policy that decisions on proposed changes in
12 school district organization should be made, whenever possible, by
13 negotiated agreement between the affected school districts. If the
14 districts cannot agree, the decision shall be made by the regional
15 committees on school district organization, based on the committees'
16 best judgment, taking into consideration the following factors and
17 factors under RCW 28A.315.205:

18 (a) A balance of local petition requests and the needs of the
19 statewide community at large in a manner that advances the best
20 interest of public education in the affected school districts and
21 communities, the educational service district, and the state;
22 (b) Responsibly serving all of the affected citizens and students
23 by contributing to logical service boundaries and recognizing a
24 changing economic pattern within the educational service districts of
25 the state;
26 (c) Enhancing the educational opportunities of pupils in the
27 territory by reducing existing disparities among the affected school
28 districts' ability to provide operating and capital funds through an
29 equitable adjustment of the assets and liabilities of the affected
30 districts;
31 (d) Promoting a wiser use of public funds through improvement in
32 the school district system of the educational service districts and the
33 state; and
34 (e) Other criteria or considerations as may be established in rule
35 by the (~~state board of education~~) superintendent of public
36 instruction.

37 (3) It is neither the intent nor purpose of this chapter to apply

1 to organizational changes and the procedure therefor relating to
2 capital fund aid by nonhigh school districts as provided for in chapter
3 28A.540 RCW.

4 **Sec. 506.** RCW 28A.315.025 and 1990 c 33 s 293 are each amended to
5 read as follows:

6 As used in this chapter:

7 (1) "Change in the organization and extent of school districts"
8 means the formation and establishment of new school districts, the
9 dissolution of existing school districts, the alteration of the
10 boundaries of existing school districts, or all of them.

11 (2) "Regional committee" means the regional committee on school
12 district organization created by this chapter.

13 (~~(3) ("State board" means the state board of education.~~

14 ~~(4))~~ (4) "School district" means the territory under the jurisdiction
15 of a single governing board designated and referred to as the board of
16 directors.

17 ~~((5))~~ (4) "Educational service district superintendent" means the
18 educational service district superintendent as provided for in RCW
19 28A.310.170 or his or her designee.

20 **Sec. 507.** RCW 28A.315.055 and 1999 c 315 s 203 are each amended to
21 read as follows:

22 In case the boundaries of any of the school districts are
23 conflicting or incorrectly described, the educational service district
24 board of directors, after due notice and a public hearing, shall
25 change, harmonize, and describe them and shall so certify, with a
26 complete transcript of boundaries of all districts affected, such
27 action to the (~~state board~~) superintendent of public instruction for
28 (~~its~~) approval or revision. Upon receipt of notification of (~~state~~
29 ~~board~~) action by the superintendent of public instruction, the
30 educational service district superintendent shall transmit to the
31 county legislative authority of the county or counties in which the
32 affected districts are located a complete transcript of the boundaries
33 of all districts affected.

34 **Sec. 508.** RCW 28A.315.085 and 2005 c 497 s 405 are each amended to
35 read as follows:

1 (1) The superintendent of public instruction shall furnish ~~((to the~~
2 ~~state board and))~~ to regional committees the services of employed
3 personnel and the materials and supplies necessary to enable them to
4 perform the duties imposed upon them by this chapter ~~((and))~~. Members
5 shall be reimbursed ~~((the members thereof))~~ for expenses necessarily
6 incurred by them in the performance of their duties ~~((, such~~
7 ~~reimbursement for regional committee members to be))~~ in accordance with
8 RCW 28A.315.155 ~~((, and such reimbursement for state board members to be~~
9 ~~in accordance with RCW 28A.305.011))~~.

10 (2) Costs that may be incurred by an educational service district
11 in association with school district negotiations under RCW 28A.315.195
12 and supporting the regional committee under RCW 28A.315.205 shall be
13 reimbursed by the state from such funds as are appropriated for these
14 purposes.

15 **Sec. 509.** RCW 28A.315.125 and 1993 c 416 s 2 are each amended to
16 read as follows:

17 The members of each regional committee shall be elected in the
18 following manner:

19 (1) On or before the 25th day of September, 1994, and not later
20 than the 25th day of September of every subsequent even-numbered year,
21 each superintendent of an educational service district shall call an
22 election to be held in each educational service district within which
23 resides a member of a regional committee whose term of office expires
24 on the second Monday of January next following, and shall give written
25 notice thereof to each member of the board of directors of each school
26 district in the educational service district. Such notice shall
27 include instructions, and the rules ~~((and regulations))~~ established by
28 the ~~((state board of education))~~ superintendent of public instruction
29 for the conduct of the election. The ~~((state board of education))~~
30 superintendent of public instruction is ~~((hereby))~~ empowered to adopt
31 rules pursuant to chapter 34.05 RCW which establish standards and
32 procedures which the ~~((state board))~~ superintendent deems necessary to
33 conduct elections pursuant to this section; to conduct run-off
34 elections in the event an election for a position is indecisive; and to
35 decide run-off elections which result in tie votes, in a fair and
36 orderly manner.

1 (2) Candidates for membership on a regional committee shall file a
2 declaration of candidacy with the superintendent of the educational
3 service district wherein they reside. Declarations of candidacy may be
4 filed by person or by mail not earlier than the 1st day of October, and
5 not later than the 15th day of October of each even-numbered year. The
6 superintendent may not accept any declaration of candidacy that is not
7 on file in his or her office or not postmarked before the 16th day of
8 October, or if not postmarked or the postmark is not legible, if
9 received by mail after the 20th day of October of each even-numbered
10 year.

11 (3) Each member of the regional committee shall be elected by a
12 majority of the votes cast for all candidates for the position by the
13 members of the boards of directors of school districts in the
14 educational service district. All votes shall be cast by mail ballot
15 addressed to the superintendent of the educational service district
16 wherein the school director resides. No votes shall be accepted for
17 counting if postmarked after the 16th day of November or if not
18 postmarked or the postmark is not legible, if received by mail after
19 the 21st day of November of each even-numbered year. An election board
20 comprised of three persons appointed by the board of the educational
21 service district shall count and tally the votes not later than the
22 25th day of November or the next business day if the 25th falls on a
23 Saturday, Sunday, or legal holiday of each even-numbered year. Each
24 vote cast by a school director shall be recorded as one vote. Within
25 ten days following the count of votes, the educational service district
26 superintendent shall certify to the superintendent of public
27 instruction the name or names of the person(s) elected to be members of
28 the regional committee.

29 (4) In the event of a change in the number of educational service
30 districts or in the number of educational service district board
31 members pursuant to chapter 28A.310 RCW a new regional committee shall
32 be elected for each affected educational service district at the next
33 election conducted pursuant to this section. Those persons who were
34 serving on a regional committee within an educational service district
35 affected by a change in the number of districts or board members shall
36 continue to constitute the regional committee for the educational
37 service district within which they are registered to vote until the
38 majority of a new board has been elected and certified.

1 (5) No member of a regional committee shall continue to serve
2 thereon if he or she ceases to be a registered voter of the educational
3 service district board member district or if he or she is absent from
4 three consecutive meetings of the committee without an excuse
5 acceptable to the committee.

6 **Sec. 510.** RCW 28A.315.185 and 1999 c 315 s 303 are each amended to
7 read as follows:

8 To the extent funds are appropriated, the superintendent of public
9 instruction, in cooperation with the educational service districts and
10 the Washington state school directors' association, shall conduct an
11 annual training meeting for the regional committees, (~~state board~~
12 ~~members,~~) educational service district superintendents, and local
13 school district superintendents and boards of directors. Training may
14 also be provided upon request.

15 **PART 6**

16 **EDUCATIONAL SERVICE DISTRICTS**

17 **Sec. 601.** RCW 28A.305.210 and 2005 c 518 s 913 are each amended to
18 read as follows:

19 (1) (~~The state board of education, by rule or regulation, may~~
20 ~~require the assistance of educational service district boards and/or~~
21 ~~superintendents in the performance of any duty, authority, or power~~
22 ~~imposed upon or granted to the state board of education by law, upon~~
23 ~~such terms and conditions as the state board of education shall~~
24 ~~establish. Such authority to assist the state board of education shall~~
25 ~~be limited to the service function of information collection and~~
26 ~~dissemination and the attestment to the accuracy and completeness of~~
27 ~~submitted information.~~

28 (+2)) During the 2005-2007 biennium, educational service districts
29 may, at the request of the state board of education, receive and screen
30 applications for school accreditation, conduct school accreditation
31 site visits pursuant to state board of education rules, and submit to
32 the state board of education postsite visit recommendations for school
33 accreditation. The educational service districts may assess a
34 cooperative service fee to recover actual plus reasonable indirect
35 costs for the purposes of this subsection.

1 (2) This section expires July 1, 2007.

2 **Sec. 602.** RCW 28A.310.080 and 1977 ex.s. c 283 s 15 are each
3 amended to read as follows:

4 (~~On or before the twenty-fifth day of August, 1978, and~~) Not
5 later than the twenty-fifth day of August of every (~~subsequent~~) even-
6 numbered year, the (~~secretary to the state board of education~~)
7 superintendent of public instruction shall call an election to be held
8 in each educational service district within which resides a member of
9 the board of the educational service district whose term of office
10 expires on the second Monday of January next following, and shall give
11 written notice thereof to each member of the board of directors of each
12 school district in such educational service district. Such notice
13 shall include instructions(~~,~~) and rules(~~,~~~~and regulations~~)
14 established by the (~~state board of education~~) superintendent of
15 public instruction for the conduct of the election.

16 **Sec. 603.** RCW 28A.310.030 and 1990 c 33 s 271 are each amended to
17 read as follows:

18 Except as otherwise provided in this chapter, in each educational
19 service district there shall be an educational service district board
20 consisting of seven members elected by the school directors of the
21 educational service district, one from each of seven educational
22 service district board-member districts. Board-member districts in
23 districts reorganized (~~under RCW 28A.310.020~~) through legislative
24 action, or as provided for in RCW 28A.310.120 and under this section,
25 shall be initially determined by the (~~state board of education~~)
26 superintendent of public instruction. If a reorganization pursuant to
27 (~~RCW 28A.310.020~~) legislative action places the residence of a board
28 member into another or newly created educational service district, such
29 member shall serve on the board of the educational service district of
30 residence and at the next election called by the (~~secretary to the~~
31 ~~state board of education~~) superintendent of public instruction
32 pursuant to RCW 28A.310.080 a new seven member board shall be elected.
33 If the redrawing of board-member district boundaries pursuant to this
34 chapter shall cause the resident board-member district of two or more
35 board members to coincide, such board members shall continue to serve
36 on the board and at the next election called by the (~~secretary to the~~

1 ~~state board of education~~) superintendent of public instruction a new
2 board shall be elected. The board-member districts shall be arranged
3 so far as practicable on a basis of equal population, with
4 consideration being given existing board members of existing
5 educational service district boards. Each educational service district
6 board member shall be elected by the school directors of each school
7 district within the educational service district. Beginning in 1971
8 and every ten years thereafter, educational service district boards
9 shall review and, if necessary, shall change the boundaries of board-
10 member districts so as to provide so far as practicable equal
11 representation according to population of such board-member districts
12 and to conform to school district boundary changes: PROVIDED, That all
13 board-member district boundaries, to the extent necessary to conform
14 with this chapter, shall be immediately redrawn for the purposes of the
15 next election called by the (~~secretary to the state board of~~
16 ~~education~~) superintendent of public instruction following any
17 reorganization pursuant to this chapter. Such district board, if
18 failing to make the necessary changes prior to June 1st of the
19 appropriate year, shall refer for settlement questions on board-member
20 district boundaries to the (~~state board of education~~) office of the
21 superintendent of public instruction, which, after a public hearing,
22 shall decide such questions.

23 **Sec. 604.** RCW 28A.310.050 and 1977 ex.s. c 283 s 19 are each
24 amended to read as follows:

25 Any educational service district board may elect by resolution of
26 the board to increase the board member size to nine board members. In
27 such case positions number eight and nine shall be filled at the next
28 election called by the (~~secretary to the state board of education~~)
29 superintendent of public instruction, position numbered eight to be for
30 a term of two years, position numbered nine to be for a term of four
31 years. Thereafter the terms for such positions shall be for four
32 years.

33 **Sec. 605.** RCW 28A.310.060 and 1977 ex.s. c 283 s 20 are each
34 amended to read as follows:

35 The term of every educational service district board member shall
36 begin on the second Monday in January next following the election at

1 which he or she was elected: PROVIDED, That a person elected to less
2 than a full term pursuant to this section shall take office as soon as
3 the election returns have been certified and he or she has qualified.
4 In the event of a vacancy in the board from any cause, such vacancy
5 shall be filled by appointment of a person from the same board-member
6 district by the educational service district board. In the event that
7 there are more than three vacancies in a seven-member board or four
8 vacancies in a nine-member board, the (~~state board of education~~)
9 superintendent of public instruction shall fill by appointment
10 sufficient vacancies so that there shall be a quorum of the board
11 serving. Each appointed board member shall serve until his or her
12 successor has been elected at the next election called by the
13 (~~secretary to the state board of education~~) superintendent of public
14 instruction and has qualified.

15 **Sec. 606.** RCW 28A.310.090 and 1977 ex.s. c 283 s 16 are each
16 amended to read as follows:

17 Candidates for membership on an educational service district board
18 shall file declarations of candidacy with the (~~secretary to the state~~
19 ~~board of education~~) superintendent of public instruction on forms
20 prepared by the (~~secretary~~) superintendent. Declarations of
21 candidacy may be filed by person or by mail not earlier than the first
22 day of September, nor later than the sixteenth day of September. The
23 (~~secretary to the state board of education~~) superintendent may not
24 accept any declaration of candidacy that is not on file in his or her
25 office or is not postmarked before the seventeenth day of September.

26 **Sec. 607.** RCW 28A.310.100 and 1980 c 179 s 7 are each amended to
27 read as follows:

28 Each member of an educational service district board shall be
29 elected by a majority of the votes cast at the election for all
30 candidates for the position. All votes shall be cast by mail addressed
31 to the (~~secretary to the state board of education~~) superintendent of
32 public instruction and no votes shall be accepted for counting if
33 postmarked after the sixteenth day of October or if not postmarked or
34 the postmark is not legible, if received by mail after the twenty-first
35 day of October following the call of the election. The (~~secretary to~~
36 ~~the state board of education~~) superintendent of public instruction and

1 an election board comprised of three persons appointed by the ((state
2 ~~board of education~~)) superintendent shall count and tally the votes not
3 later than the twenty-fifth day of October in the following manner:
4 Each vote cast by a school director shall be accorded as one vote. If
5 no candidate receives a majority of the votes cast, then, not later
6 than the first day of November, the ((~~secretary to the state board of~~
7 ~~education~~)) superintendent of public instruction shall call a second
8 election to be conducted in the same manner and at which the candidates
9 shall be the two candidates receiving the highest number of votes cast.
10 No vote cast at such second election shall be received for counting if
11 postmarked after the sixteenth day of November or if not postmarked or
12 the postmark is not legible, if received by mail after the twenty-first
13 day of November and the votes shall be counted as hereinabove provided
14 on the twenty-fifth day of November. The candidate receiving a
15 majority of votes at any such second election shall be declared
16 elected. In the event of a tie in such second election, the candidate
17 elected shall be determined by a chance drawing of a nature established
18 by the ((~~secretary to the state board of education~~)) superintendent of
19 public instruction. Within ten days following the count of votes in an
20 election at which a member of an educational service district board is
21 elected, the ((~~secretary to the state board of education~~))
22 superintendent of public instruction shall certify to the county
23 auditor of the headquarters county of the educational service district
24 the name or names of the persons elected to be members of the
25 educational service district board.

26 **Sec. 608.** RCW 28A.310.140 and 1990 c 33 s 274 are each amended to
27 read as follows:

28 Every school district must be included entirely within a single
29 educational service district. If the boundaries of any school district
30 within an educational service district are changed in any manner so as
31 to extend the school district beyond the boundaries of that educational
32 service district, the ((~~state board~~)) superintendent of public
33 instruction shall change the boundaries of the educational service
34 districts so affected in a manner consistent with the purposes of RCW
35 28A.310.010 and this section.

1 **Sec. 609.** RCW 28A.310.150 and 1990 c 33 s 275 are each amended to
2 read as follows:

3 Every candidate for membership on a educational service district
4 board shall be a registered voter and a resident of the board-member
5 district for which such candidate files. On or before the date for
6 taking office, every member shall make an oath or affirmation to
7 support the Constitution of the United States and the state of
8 Washington and to faithfully discharge the duties of the office
9 according to the best of such member's ability. The members of the
10 board shall not be required to give bond unless so directed by the
11 (~~state board of education~~) superintendent of public instruction. At
12 the first meeting of newly elected members and after the qualification
13 for office of the newly elected members, each educational service
14 district board shall reorganize by electing a chair and a vice chair.
15 A majority of all of the members of the board shall constitute a
16 quorum.

17 **Sec. 610.** RCW 28A.310.200 and 2001 c 143 s 1 are each amended to
18 read as follows:

19 In addition to other powers and duties as provided by law, every
20 educational service district board shall:

21 (1) Approve the budgets of the educational service district in
22 accordance with the procedures provided for in this chapter((~~-~~))i

23 (2) Meet regularly according to the schedule adopted at the
24 organization meeting and in special session upon the call of the chair
25 or a majority of the board((~~-~~))i

26 (3) Approve the selection of educational service district personnel
27 and clerical staff as provided in RCW 28A.310.230((~~-~~))i

28 (4) Fix the amount of and approve the bonds for those educational
29 service district employees designated by the board as being in need of
30 bonding((~~-~~))i

31 (5) Keep in the educational service district office a full and
32 correct transcript of the boundaries of each school district within the
33 educational service district((~~-~~))i

34 (6) Acquire by borrowing funds or by purchase, lease, devise,
35 bequest, and gift and otherwise contract for real and personal property
36 necessary for the operation of the educational service district and to
37 the execution of the duties of the board and superintendent thereof and

1 sell, lease, or otherwise dispose of that property not necessary for
2 district purposes. No real property shall be acquired or alienated
3 without the prior approval of the (~~state board of education~~)
4 superintendent of public instruction and the acquisition or alienation
5 of all such property shall be subject to such provisions as the
6 (~~board~~) superintendent may establish. When borrowing funds for the
7 purpose of acquiring property, the educational service district board
8 shall pledge as collateral the property to be acquired. Borrowing
9 shall be evidenced by a note or other instrument between the district
10 and the lender(~~(-)~~);

11 (7) Under RCW 28A.310.010, upon the written request of the board of
12 directors of a local school district or districts served by the
13 educational service district, the educational service district board of
14 directors may provide cooperative and informational services not in
15 conflict with other law that provide for the development and
16 implementation of programs, activities, services, or practices that
17 support the education of preschool through twelfth grade students in
18 the public schools or that support the effective, efficient, or safe
19 management and operation of the school district or districts served by
20 the educational service district(~~(-)~~);

21 (8) Adopt such bylaws and rules (~~and regulations~~) for its own
22 operation as it deems necessary or appropriate(~~(-)~~); and

23 (9) Enter into contracts, including contracts with common and
24 educational service districts and the school for the deaf and the
25 school for the blind for the joint financing of cooperative service
26 programs conducted pursuant to RCW 28A.310.180(3), and employ
27 consultants and legal counsel relating to any of the duties, functions,
28 and powers of the educational service districts.

29 **Sec. 611.** RCW 28A.310.310 and 1990 c 33 s 284 are each amended to
30 read as follows:

31 The educational service district board shall designate the
32 headquarters office of the educational service district. Educational
33 service districts shall provide for their own office space, heating,
34 contents insurance, electricity, and custodial services, which may be
35 obtained through contracting with any board of county commissioners.
36 Official records of the educational service district board and
37 superintendent, including each of the county superintendents abolished

1 by chapter 176, Laws of 1969 ex. sess., shall be kept by the
2 educational service district superintendent. Whenever the boundaries
3 of any of the educational service districts are reorganized pursuant to
4 ((RCW 28A.310.020)) legislative action, the ((state board of
5 education)) superintendent of public instruction shall supervise the
6 transferral of such records so that each educational service district
7 superintendent shall receive those records relating to school districts
8 within the appropriate educational service district.

9 **Sec. 612.** RCW 28A.323.020 and 1985 c 385 s 25 are each amended to
10 read as follows:

11 The duties in this chapter imposed upon and required to be
12 performed by a regional committee and by an educational service
13 district superintendent in connection with a change in the organization
14 and extent of school districts and/or with the adjustment of the assets
15 and liabilities of school districts and with all matters related to
16 such change or adjustment whenever territory lying in a single
17 educational service district is involved shall be performed jointly by
18 the regional committees and by the superintendents of the several
19 educational service districts as required whenever territory lying in
20 more than one educational service district is involved in a proposed
21 change in the organization and extent of school districts: PROVIDED,
22 That a regional committee may designate three of its members, or two of
23 its members and the educational service district superintendent, as a
24 subcommittee to serve in lieu of the whole committee, but action by a
25 subcommittee shall not be binding unless approved by a majority of the
26 regional committee. Proposals for changes in the organization and
27 extent of school districts and proposed terms of adjustment of assets
28 and liabilities thus prepared and approved shall be submitted to the
29 ((state board)) superintendent of public instruction by the regional
30 committee of the educational service district in which is located the
31 part of the proposed or enlarged district having the largest number of
32 common school pupils residing therein.

33 **Sec. 613.** RCW 28A.323.040 and 1973 c 47 s 3 are each amended to
34 read as follows:

35 For all purposes essential to the maintenance, operation, and
36 administration of the schools of a district, including the

1 apportionment of current state and county school funds, the county in
2 which a joint school district shall be considered as belonging shall be
3 as designated by the (~~state board of education~~) superintendent of
4 public instruction. Prior to making such designation, the (~~state~~
5 ~~board of education~~) superintendent of public instruction shall hold at
6 least one public hearing on the matter, at which time the
7 recommendation of the joint school district shall be presented and, in
8 addition to such recommendation, the (~~state board~~) superintendent
9 shall consider the following prior to its designation:

- 10 (1) Service needs of such district;
- 11 (2) Availability of services;
- 12 (3) Geographic location of district and servicing agencies; and
- 13 (4) Relationship to contiguous school districts.

14 NEW SECTION. Sec. 614. RCW 28A.310.020 (Changes in number of,
15 boundaries--Initiating, hearings, considerations--Superintendent's
16 duties) and 1994 sp.s. c 6 s 513, 1993 sp.s. c 24 s 522, 1990 c 33 s
17 270, 1977 ex.s. c 283 s 2, 1971 ex.s. c 282 s 2, & 1969 ex.s. c 176 s
18 2 are each repealed.

19 **PART 7**
20 **STUDENTS**

21 **Sec. 701.** RCW 28A.305.160 and 1996 c 321 s 2 are each amended to
22 read as follows:

23 (1) The (~~state board of education~~) superintendent of public
24 instruction shall adopt and distribute to all school districts lawful
25 and reasonable rules prescribing the substantive and procedural due
26 process guarantees of pupils in the common schools. Such rules shall
27 authorize a school district to use informal due process procedures in
28 connection with the short-term suspension of students to the extent
29 constitutionally permissible: PROVIDED, That the (~~state board~~)
30 superintendent of public instruction deems the interest of students to
31 be adequately protected. When a student suspension or expulsion is
32 appealed, the rules shall authorize a school district to impose the
33 suspension or expulsion temporarily after an initial hearing for no
34 more than ten consecutive school days or until the appeal is decided,
35 whichever is earlier. Any days that the student is temporarily

1 suspended or expelled before the appeal is decided shall be applied to
2 the term of the student suspension or expulsion and shall not limit or
3 extend the term of the student suspension or expulsion.

4 (2) Short-term suspension procedures may be used for suspensions of
5 students up to and including, ten consecutive school days.

6 **Sec. 702.** RCW 28A.150.300 and 1993 c 68 s 1 are each amended to
7 read as follows:

8 The use of corporal punishment in the common schools is prohibited.
9 The ~~((state board of education, in consultation with the))~~
10 superintendent of public instruction~~((τ))~~ shall develop and adopt a
11 policy prohibiting the use of corporal punishment in the common
12 schools. The policy shall be adopted ~~((by the state board of education~~
13 ~~no later than February 1, 1994,))~~ and ~~((shall take effect))~~ implemented
14 in all school districts ~~((September 1, 1994))~~.

15 **Sec. 703.** RCW 28A.225.160 and 1999 c 348 s 5 are each amended to
16 read as follows:

17 Except as otherwise provided by law, it is the general policy of
18 the state that the common schools shall be open to the admission of all
19 persons who are five years of age and less than twenty-one years
20 residing in that school district. Except as otherwise provided by law
21 or rules adopted by the ~~((state board of education))~~ superintendent of
22 public instruction, districts may establish uniform entry
23 qualifications, including but not limited to birth date requirements,
24 for admission to kindergarten and first grade programs of the common
25 schools. Such rules may provide for exceptions based upon the ability,
26 or the need, or both, of an individual student. For the purpose of
27 complying with any rule adopted by the ~~((state board of education~~
28 ~~which))~~ superintendent of public instruction that authorizes a
29 preadmission screening process as a prerequisite to granting exceptions
30 to the uniform entry qualifications, a school district may collect fees
31 to cover expenses incurred in the administration of any preadmission
32 screening process: PROVIDED, That in so establishing such fee or fees,
33 the district shall adopt regulations for waiving and reducing such fees
34 in the cases of those persons whose families, by reason of their low
35 income, would have difficulty in paying the entire amount of such fees.

1 NEW SECTION. **Sec. 704.** A new section is added to chapter 28A.300
2 RCW to read as follows:

3 The superintendent of public instruction shall adopt rules relating
4 to pupil tests and records.

5 **Sec. 705.** RCW 28A.300.150 and 1994 c 245 s 8 are each amended to
6 read as follows:

7 The superintendent of public instruction shall collect and
8 disseminate to school districts information on child abuse and neglect
9 prevention curriculum and shall adopt rules dealing with the prevention
10 of child abuse for purposes of curriculum use in the common schools.
11 The superintendent of public instruction and the departments of social
12 and health services and community, trade, and economic development
13 shall share relevant information.

14 **Sec. 706.** RCW 28A.600.020 and 1997 c 266 s 11 are each amended to
15 read as follows:

16 (1) The rules adopted pursuant to RCW 28A.600.010 shall be
17 interpreted to (~~insure~~) ensure that the optimum learning atmosphere
18 of the classroom is maintained, and that the highest consideration is
19 given to the judgment of qualified certificated educators regarding
20 conditions necessary to maintain the optimum learning atmosphere.

21 (2) Any student who creates a disruption of the educational process
22 in violation of the building disciplinary standards while under a
23 teacher's immediate supervision may be excluded by the teacher from his
24 or her individual classroom and instructional or activity area for all
25 or any portion of the balance of the school day, or up to the following
26 two days, or until the principal or designee and teacher have
27 conferred, whichever occurs first. Except in emergency circumstances,
28 the teacher first must attempt one or more alternative forms of
29 corrective action. In no event without the consent of the teacher may
30 an excluded student return to the class during the balance of that
31 class or activity period or up to the following two days, or until the
32 principal or his or her designee and the teacher have conferred.

33 (3) In order to preserve a beneficial learning environment for all
34 students and to maintain good order and discipline in each classroom,
35 every school district board of directors shall provide that written
36 procedures are developed for administering discipline at each school

1 within the district. Such procedures shall be developed with the
2 participation of parents and the community, and shall provide that the
3 teacher, principal or designee, and other authorities designated by the
4 board of directors, make every reasonable attempt to involve the parent
5 or guardian and the student in the resolution of student discipline
6 problems. Such procedures shall provide that students may be excluded
7 from their individual classes or activities for periods of time in
8 excess of that provided in subsection (2) of this section if such
9 students have repeatedly disrupted the learning of other students. The
10 procedures must be consistent with the rules of the (~~state board of~~
11 ~~education~~) superintendent of public instruction and must provide for
12 early involvement of parents in attempts to improve the student's
13 behavior.

14 (4) The procedures shall assure, pursuant to RCW 28A.400.110, that
15 all staff work cooperatively toward consistent enforcement of proper
16 student behavior throughout each school as well as within each
17 classroom.

18 (5) A principal shall consider imposing long-term suspension or
19 expulsion as a sanction when deciding the appropriate disciplinary
20 action for a student who, after July 27, 1997:

21 (a) Engages in two or more violations within a three-year period of
22 RCW 9A.46.120, 28A.320.135, 28A.600.455, 28A.600.460, 28A.635.020,
23 28A.600.020, 28A.635.060, 9.41.280, or 28A.320.140; or

24 (b) Engages in one or more of the offenses listed in RCW 13.04.155.

25 The principal shall communicate the disciplinary action taken by
26 the principal to the school personnel who referred the student to the
27 principal for disciplinary action.

28 **Sec. 707.** RCW 28A.600.030 and 1990 c 33 s 498 are each amended to
29 read as follows:

30 Each school district board of directors may establish student
31 grading policies which permit teachers to consider a student's
32 attendance in determining the student's overall grade or deciding
33 whether the student should be granted or denied credit. Such policies
34 shall take into consideration the circumstances pertaining to the
35 student's inability to attend school. However, no policy shall be
36 adopted whereby a grade shall be reduced or credit shall be denied for
37 disciplinary reasons only, rather than for academic reasons, unless due

1 process of law is provided as set forth by the (~~state board of~~
2 ~~education~~) superintendent of public instruction under RCW 28A.305.160
3 (as recodified by this act).

4 NEW SECTION. Sec. 708. RCW 28A.305.160 is recodified as a new
5 section in chapter 28A.600 RCW.

6 **PART 8**

7 **TRANSFER OF PROFESSIONAL EDUCATOR STANDARDS BOARD DUTIES**

8 **Sec. 801.** RCW 28A.625.360 and 1990 1st ex.s. c 10 s 2 are each
9 amended to read as follows:

10 (1) The (~~state board of education~~) professional educator
11 standards board shall establish an annual award program for excellence
12 in teacher preparation to recognize higher education teacher educators
13 for their leadership, contributions, and commitment to education.

14 (2) The program shall recognize annually one teacher preparation
15 faculty member from one of the teacher preparation programs approved by
16 the (~~state board of education~~) professional educator standards board.

17 **Sec. 802.** RCW 28A.225.330 and 1999 c 198 s 3 are each amended to
18 read as follows:

19 (1) When enrolling a student who has attended school in another
20 school district, the school enrolling the student may request the
21 parent and the student to briefly indicate in writing whether or not
22 the student has:

- 23 (a) Any history of placement in special educational programs;
- 24 (b) Any past, current, or pending disciplinary action;
- 25 (c) Any history of violent behavior, or behavior listed in RCW
26 13.04.155;
- 27 (d) Any unpaid fines or fees imposed by other schools; and
- 28 (e) Any health conditions affecting the student's educational
29 needs.

30 (2) The school enrolling the student shall request the school the
31 student previously attended to send the student's permanent record
32 including records of disciplinary action, history of violent behavior
33 or behavior listed in RCW 13.04.155, attendance, immunization records,
34 and academic performance. If the student has not paid a fine or fee

1 under RCW 28A.635.060, or tuition, fees, or fines at approved private
2 schools the school may withhold the student's official transcript, but
3 shall transmit information about the student's academic performance,
4 special placement, immunization records, records of disciplinary
5 action, and history of violent behavior or behavior listed in RCW
6 13.04.155. If the official transcript is not sent due to unpaid
7 tuition, fees, or fines, the enrolling school shall notify both the
8 student and parent or guardian that the official transcript will not be
9 sent until the obligation is met, and failure to have an official
10 transcript may result in exclusion from extracurricular activities or
11 failure to graduate.

12 (3) If information is requested under subsection (2) of this
13 section, the information shall be transmitted within two school days
14 after receiving the request and the records shall be sent as soon as
15 possible. Any school district or district employee who releases the
16 information in compliance with this section is immune from civil
17 liability for damages unless it is shown that the school district
18 employee acted with gross negligence or in bad faith. The ((state
19 board of education)) professional educator standards board shall
20 provide by rule for the discipline under chapter 28A.410 RCW of a
21 school principal or other chief administrator of a public school
22 building who fails to make a good faith effort to assure compliance
23 with this subsection.

24 (4) Any school district or district employee who releases the
25 information in compliance with federal and state law is immune from
26 civil liability for damages unless it is shown that the school district
27 or district employee acted with gross negligence or in bad faith.

28 (5) When a school receives information under this section or RCW
29 13.40.215 that a student has a history of disciplinary actions,
30 criminal or violent behavior, or other behavior that indicates the
31 student could be a threat to the safety of educational staff or other
32 students, the school shall provide this information to the student's
33 teachers and security personnel.

34 **Sec. 803.** RCW 28A.405.110 and 1985 c 420 s 1 are each amended to
35 read as follows:

36 The legislature recognizes the importance of teachers in the
37 educational system. Teachers are the fundamental element in assuring

1 a quality education for the state's and the nation's children.
2 Teachers, through their direct contact with children, have a great
3 impact on the development of the child. The legislature finds that
4 this important role of the teacher requires an assurance that teachers
5 are as successful as possible in attaining the goal of a well-educated
6 society. The legislature finds, therefore, that the evaluation of
7 those persons seeking to enter the teaching profession is no less
8 important than the evaluation of those persons currently teaching. The
9 evaluation of persons seeking teaching credentials should be strenuous
10 while making accommodations uniquely appropriate to the applicants.
11 Strenuous teacher training and preparation should be complemented by
12 examinations of prospective teachers prior to candidates being granted
13 official certification by the (~~state board of education~~) professional
14 educator standards board. Teacher preparation program entrance
15 evaluations, teacher training, teacher preparation program exit
16 examinations, official certification, in-service training, and ongoing
17 evaluations of individual progress and professional growth are all part
18 of developing and maintaining a strong precertification and
19 postcertification professional education system.

20 The legislature further finds that an evaluation system for
21 teachers has the following elements, goals, and objectives: (1) An
22 evaluation system must be meaningful, helpful, and objective; (2) an
23 evaluation system must encourage improvements in teaching skills,
24 techniques, and abilities by identifying areas needing improvement; (3)
25 an evaluation system must provide a mechanism to make meaningful
26 distinctions among teachers and to acknowledge, recognize, and
27 encourage superior teaching performance; and (4) an evaluation system
28 must encourage respect in the evaluation process by the persons
29 conducting the evaluations and the persons subject to the evaluations
30 through recognizing the importance of objective standards and
31 minimizing subjectivity.

32 **Sec. 804.** RCW 28A.415.010 and 1991 c 285 s 1 are each amended to
33 read as follows:

34 It shall be the responsibility of each educational service district
35 board to establish a center for the improvement of teaching. The
36 center shall administer, coordinate, and act as fiscal agent for such
37 programs related to the recruitment and training of certificated and

1 classified K-12 education personnel as may be delegated to the center
2 by the superintendent of public instruction under RCW 28A.310.470(~~(or~~
3 ~~the state board of education under RCW 28A.310.480)~~). To assist in
4 these activities, each educational service district board shall
5 establish an improvement of teaching coordinating council to include,
6 at a minimum, representatives as specified in RCW 28A.415.040. An
7 existing in-service training task force, established pursuant to RCW
8 28A.415.040, may serve as the improvement of teaching coordinating
9 council. The educational service district board shall ensure
10 coordination of programs established pursuant to RCW 28A.415.030,
11 28A.410.060, and 28A.415.250.

12 The educational service district board may arrange each year for
13 the holding of one or more teachers' institutes and/or workshops for
14 professional staff preparation and in-service training in such manner
15 and at such time as the board believes will be of benefit to the
16 teachers and other professional staff of school districts within the
17 educational service district and shall comply with rules (~~and~~
18 ~~regulations of the state board of education~~) of the professional
19 educator standards board pursuant to RCW 28A.410.060 or the
20 superintendent of public instruction (~~or state board of education~~)
21 pursuant to RCW 28A.415.250. The board may provide such additional
22 means of teacher and other professional staff preparation and in-
23 service training as it may deem necessary or appropriate and there
24 shall be a proper charge against the educational service district
25 general expense fund when approved by the educational service district
26 board.

27 Educational service district boards of contiguous educational
28 service districts, by mutual arrangements, may hold joint institutes
29 and/or workshops, the expenses to be shared in proportion to the
30 numbers of certificated personnel as shown by the last annual reports
31 of the educational service districts holding such joint institutes or
32 workshops.

33 In local school districts employing more than one hundred teachers
34 and other professional staff, the school district superintendent may
35 hold a teachers' institute of one or more days in such district, said
36 institute when so held by the school district superintendent to be in
37 all respects governed by the provisions of this title and (~~state board~~

1 ~~of education))~~ rules (~~and regulations~~) relating to teachers'
2 institutes held by educational service district superintendents.

3 **Sec. 805.** RCW 28A.415.020 and 1995 c 284 s 2 are each amended to
4 read as follows:

5 (1) Certificated personnel shall receive for each ten clock hours
6 of approved in-service training attended the equivalent of a one credit
7 college quarter course on the salary schedule developed by the
8 legislative evaluation and accountability program committee.

9 (2) Certificated personnel shall receive for each ten clock hours
10 of approved continuing education earned, as continuing education is
11 defined by rule adopted by the (~~state board of education~~)
12 professional educator standards board, the equivalent of a one credit
13 college quarter course on the salary schedule developed by the
14 legislative evaluation and accountability program committee.

15 (3) Certificated personnel shall receive for each forty clock hours
16 of participation in an approved internship with a business, an
17 industry, or government, as an internship is defined by rule of the
18 (~~state board of education~~) professional educator standards board in
19 accordance with RCW 28A.415.025, the equivalent of a one credit college
20 quarter course on the salary schedule developed by the legislative
21 evaluation and accountability program committee.

22 (4) An approved in-service training program shall be a program
23 approved by a school district board of directors, which meet standards
24 adopted by the (~~state board of education~~) professional educator
25 standards board, and the development of said program has been
26 participated in by an in-service training task force whose membership
27 is the same as provided under RCW 28A.415.040, or a program offered by
28 an education agency approved to provide in-service for the purposes of
29 continuing education as provided for under rules adopted by the (~~state~~
30 ~~board of education~~) professional educator standards board, or both.

31 (5) Clock hours eligible for application to the salary schedule
32 developed by the legislative evaluation and accountability program
33 committee as described in subsections (1) and (2) of this section,
34 shall be those hours acquired after August 31, 1987. Clock hours
35 eligible for application to the salary schedule as described in
36 subsection (3) of this section shall be those hours acquired after
37 December 31, 1995.

1 **Sec. 806.** RCW 28A.415.024 and 2005 c 461 s 1 are each amended to
2 read as follows:

3 (1) All credits earned in furtherance of degrees earned by
4 certificated staff, that are used to increase earnings on the salary
5 schedule consistent with RCW 28A.415.023, must be obtained from an
6 educational institution accredited by an accrediting association
7 recognized by rule of the (~~state board of education~~) professional
8 educator standards board.

9 (2) The office of the superintendent of public instruction shall
10 verify for school districts the accreditation status of educational
11 institutions granting degrees that are used by certificated staff to
12 increase earnings on the salary schedule consistent with RCW
13 28A.415.023.

14 (3) The office of the superintendent of public instruction shall
15 provide school districts with training and additional resources to
16 ensure they can verify that degrees earned by certificated staff, that
17 are used to increase earnings on the salary schedule consistent with
18 RCW 28A.415.023, are obtained from an educational institution
19 accredited by an accrediting association recognized by rule of the
20 (~~state board of education~~) professional educator standards board.

21 (4)(a) No school district may submit degree information before
22 there has been verification of accreditation under subsection (3) of
23 this section.

24 (b) Certificated staff who submit degrees received from an
25 unaccredited educational institution for the purposes of receiving a
26 salary increase shall be fined three hundred dollars. The fine shall
27 be paid to the office of the superintendent of public instruction and
28 used for costs of administering this section.

29 (c) In addition to the fine in (b) of this subsection, certificated
30 staff who receive salary increases based upon degrees earned from
31 educational institutions that have been verified to be unaccredited
32 must reimburse the district for any compensation received based on
33 these degrees.

34 **Sec. 807.** RCW 28A.415.025 and 1995 c 284 s 3 are each amended to
35 read as follows:

36 The (~~state board of education~~) professional educator standards
37 board shall establish rules for awarding clock hours for participation

1 of certificated personnel in internships with business, industry, or
2 government. To receive clock hours for an internship, the individual
3 must demonstrate that the internship will provide beneficial skills and
4 knowledge in an area directly related to his or her current assignment,
5 or to his or her assignment for the following school year. An
6 individual may not receive more than the equivalent of two college
7 quarter credits for internships during a calendar-year period. The
8 total number of credits for internships that an individual may earn to
9 advance on the salary schedule developed by the legislative evaluation
10 and accountability program committee or its successor agency is limited
11 to the equivalent of fifteen college quarter credits.

12 **Sec. 808.** RCW 28A.415.105 and 1995 c 335 s 403 are each amended to
13 read as follows:

14 Unless the context clearly requires otherwise, the definitions in
15 this section apply throughout RCW 28A.415.125 through 28A.415.140.

16 (1) "Cooperating organizations" means that at least one school
17 district, one college or university, and one educational service
18 district are involved jointly with the development of a student
19 teaching center.

20 (2) "Cooperating teacher" means a teacher who holds a continuing
21 certificate and supervises and coaches a student teacher.

22 (3) "Field experience" means opportunities for observation,
23 tutoring, microteaching, extended practicums, and clinical and
24 laboratory experiences which do not fall within the meaning of student
25 teaching.

26 (4) "School setting" means a classroom in a public, common school
27 in the state of Washington.

28 (5) "Student teacher" means a candidate for initial teacher
29 certification who is in a (~~state board of education approved~~)
30 professional educator standards board-approved, or regionally or
31 nationally accredited teacher preparation program in a school setting
32 as part of the field-based component of their preparation program.

33 (6) "Student teaching" means the full quarter or semester in a
34 school setting during which the student teacher observes the
35 cooperating teacher, participates in instructional activities, and
36 assumes both part-time and full-time teaching responsibilities under
37 the supervision of the cooperating teacher.

1 (7) "Student teaching center" means the program established to
2 provide student teachers in a geographic region of the state with
3 special support and training as part of their teacher preparation
4 program.

5 (8) "Supervisor or university supervisor" means the regular or
6 adjunct faculty member, or college or university-approved designee, who
7 assists and supervises the work of cooperating teachers and student
8 teachers.

9 **Sec. 809.** RCW 28A.415.125 and 1991 c 258 s 6 are each amended to
10 read as follows:

11 The (~~state board of education~~) professional educator standards
12 board, from appropriated funds, shall establish a network of student
13 teaching centers to support the continuing development of the field-
14 based component of teacher preparation programs. The purpose of the
15 training centers is to:

16 (1) Expand opportunities for student teacher placements in school
17 districts statewide, with an emphasis on those populations and
18 locations that are unserved or underserved;

19 (2) Provide cooperating teachers for all student teachers during
20 their student internship for up to two academic quarters;

21 (3) Enhance the student teaching component of teacher preparation
22 programs, including a placement of student teachers in special
23 education and multi-ethnic school settings; and

24 (4) Expand access to each other and opportunities for collaboration
25 in teacher education between colleges and universities and school
26 districts.

27 **Sec. 810.** RCW 28A.415.130 and 1991 c 258 s 7 are each amended to
28 read as follows:

29 Funds for the student teaching centers shall be allocated by the
30 superintendent of public instruction among the educational service
31 district regions on the basis of student teaching placements. The
32 fiscal agent for each center shall be either an educational service
33 district or a state institution of higher education. Prospective
34 fiscal agents shall document to the (~~state board of education~~)
35 professional educator standards board the following information:

1 (1) The existing or proposed center was developed jointly through
2 a process including participation by at least one school district, one
3 college or university, and one educational service district;

4 (2) Primary administration for each center shall be the
5 responsibility of one or more of the cooperating organizations;

6 (3) Assurance that the training center program provides appropriate
7 and necessary training in observation, supervision, and assistance
8 skills and techniques for:

9 (a) Cooperating teachers;

10 (b) Other school building personnel; and

11 (c) School district employees.

12 **Sec. 811.** RCW 28A.415.145 and 1991 c 258 s 10 are each amended to
13 read as follows:

14 The (~~state board of education~~) professional educator standards
15 board and the superintendent of public instruction shall adopt rules as
16 necessary under chapter 34.05 RCW to carry out the purposes of RCW
17 28A.415.100 through 28A.415.140.

18 **Sec. 812.** RCW 28A.630.400 and 1995 c 335 s 202 and 1995 c 77 s 27
19 are each reenacted and amended to read as follows:

20 (1) The (~~state board of education~~) professional educator
21 standards board and the state board for community and technical
22 colleges, in consultation with the superintendent of public
23 instruction, the higher education coordinating board, the state
24 apprenticeship training council, and community colleges, shall adopt
25 rules as necessary under chapter 34.05 RCW to implement the
26 paraeducator associate of arts degree.

27 (2) As used in this section, a "paraeducator" is an individual who
28 has completed an associate of arts degree for a paraeducator. The
29 paraeducator may be hired by a school district to assist certificated
30 instructional staff in the direct instruction of children in small and
31 large groups, individualized instruction, testing of children,
32 recordkeeping, and preparation of materials. The paraeducator shall
33 work under the direction of instructional certificated staff.

34 (3) The training program for a paraeducator associate of arts
35 degree shall include, but is not limited to, the general requirements
36 for receipt of an associate of arts degree and training in the areas of

1 introduction to childhood education, orientation to children with
2 disabilities, fundamentals of childhood education, creative activities
3 for children, instructional materials for children, fine art
4 experiences for children, the psychology of learning, introduction to
5 education, child health and safety, child development and guidance,
6 first aid, and a practicum in a school setting.

7 (4) Consideration shall be given to transferability of credit
8 earned in this program to teacher preparation programs at colleges and
9 universities.

10 **Sec. 813.** RCW 28A.660.040 and 2004 c 23 s 4 are each amended to
11 read as follows:

12 Partnership grants funded under this chapter shall operate one to
13 four specific route programs. Successful completion of the program
14 shall make a candidate eligible for residency teacher certification.
15 For route one and two candidates, the mentor of the teacher candidate
16 at the school and the supervisor of the teacher candidate from the
17 higher education teacher preparation program must both agree that the
18 teacher candidate has successfully completed the program. For route
19 three and four candidates, the mentor of the teacher candidate shall
20 make the determination that the candidate has successfully completed
21 the program.

22 (1) Partnership grant programs seeking funds to operate route one
23 programs shall enroll currently employed classified instructional
24 employees with transferable associate degrees seeking residency teacher
25 certification with endorsements in special education, bilingual
26 education, or English as a second language. It is anticipated that
27 candidates enrolled in this route will complete both their
28 baccalaureate degree and requirements for residency certification in
29 two years or less, including a mentored internship to be completed in
30 the final year. In addition, partnership programs shall uphold entry
31 requirements for candidates that include:

32 (a) District or building validation of qualifications, including
33 three years of successful student interaction and leadership as a
34 classified instructional employee;

35 (b) Successful passage of the statewide basic skills exam, when
36 available; and

1 (c) Meeting the age, good moral character, and personal fitness
2 requirements adopted by rule for teachers.

3 (2) Partnership grant programs seeking funds to operate route two
4 programs shall enroll currently employed classified staff with
5 baccalaureate degrees seeking residency teacher certification in
6 subject matter shortage areas and areas with shortages due to
7 geographic location. Candidates enrolled in this route must complete
8 a mentored internship complemented by flexibly scheduled training and
9 coursework offered at a local site, such as a school or educational
10 service district, or online or via video-conference over the K-20
11 network, in collaboration with the partnership program's higher
12 education partner. In addition, partnership grant programs shall
13 uphold entry requirements for candidates that include:

14 (a) District or building validation of qualifications, including
15 three years of successful student interaction and leadership as
16 classified staff;

17 (b) A baccalaureate degree from a regionally accredited institution
18 of higher education. The individual's college or university grade
19 point average may be considered as a selection factor;

20 (c) Successful completion of the content test, once the state
21 content test is available;

22 (d) Meeting the age, good moral character, and personal fitness
23 requirements adopted by rule for teachers; and

24 (e) Successful passage of the statewide basic skills exam, when
25 available.

26 (3) Partnership grant programs seeking funds to operate route three
27 programs shall enroll individuals with baccalaureate degrees, who are
28 not employed in the district at the time of application. When
29 selecting candidates for certification through route three, districts
30 shall give priority to individuals who are seeking residency teacher
31 certification in subject matter shortage areas or shortages due to
32 geographic locations. For route three only, the districts may include
33 additional candidates in nonshortage subject areas if the candidates
34 are seeking endorsements with a secondary grade level designation as
35 defined by rule by the (~~state board of education~~) professional
36 educator standards board. The districts shall disclose to candidates
37 in nonshortage subject areas available information on the demand in
38 those subject areas. Cohorts of candidates for this route shall attend

1 an intensive summer teaching academy, followed by a full year employed
2 by a district in a mentored internship, followed, if necessary, by a
3 second summer teaching academy. In addition, partnership programs
4 shall uphold entry requirements for candidates that include:

5 (a) Five years' experience in the work force;

6 (b) A baccalaureate degree from a regionally accredited institution
7 of higher education. The individual's grade point average may be
8 considered as a selection factor;

9 (c) Successful completion of the content test, once the state
10 content test is available;

11 (d) External validation of qualifications, including demonstrated
12 successful experience with students or children, such as ((~~references~~
13 ~~[reference]~~)) reference letters and letters of support from previous
14 employers;

15 (e) Meeting the age, good moral character, and personal fitness
16 requirements adopted by rule for teachers; and

17 (f) Successful passage of statewide basic skills exams, when
18 available.

19 (4) Partnership grant programs seeking funds to operate route four
20 programs shall enroll individuals with baccalaureate degrees, who are
21 employed in the district at the time of application, or who hold
22 conditional teaching certificates or emergency substitute certificates.
23 Cohorts of candidates for this route shall attend an intensive summer
24 teaching academy, followed by a full year employed by a district in a
25 mentored internship. In addition, partnership programs shall uphold
26 entry requirements for candidates that include:

27 (a) Five years' experience in the work force;

28 (b) A baccalaureate degree from a regionally accredited institution
29 of higher education. The individual's grade point average may be
30 considered as a selection factor;

31 (c) Successful completion of the content test, once the state
32 content test is available;

33 (d) External validation of qualifications, including demonstrated
34 successful experience with students or children, such as reference
35 letters and letters of support from previous employers;

36 (e) Meeting the age, good moral character, and personal fitness
37 requirements adopted by rule for teachers; and

1 (f) Successful passage of statewide basic skills exams, when
2 available.

3 **Sec. 814.** RCW 28A.690.020 and 1990 c 33 s 546 are each amended to
4 read as follows:

5 The "designated state official" for this state under Article II of
6 RCW 28A.690.010 shall be the superintendent of public instruction, who
7 shall be the compact administrator and who shall have power to
8 (~~promulgate~~) adopt rules to carry out the terms of this compact. The
9 superintendent of public instruction shall enter into contracts
10 pursuant to Article III of the Agreement only with the approval of the
11 specific text thereof by the (~~state board of education~~) professional
12 educator standards board.

13 **Sec. 815.** RCW 28A.300.050 and 1990 c 33 s 252 are each amended to
14 read as follows:

15 The superintendent of public instruction shall provide technical
16 assistance to the (~~state board of education~~) professional educator
17 standards board in the conduct of the activities described in
18 (~~sections 202 through 232 of this act~~) RCW 28A.410.040 and
19 28A.410.050.

20 **Sec. 816.** RCW 28A.625.370 and 1990 1st ex.s. c 10 s 3 are each
21 amended to read as follows:

- 22 The award for the teacher educator shall include:
- 23 (1) A certificate presented to the teacher educator by the
24 governor, the (~~president of the state board of education~~) chair of
25 the professional educator standards board, and the superintendent of
26 public instruction at a public ceremony; and
 - 27 (2) A grant to the professional education advisory board of the
28 institution from which the teacher educator is selected, which grant
29 shall not exceed two thousand five hundred dollars and which grant
30 shall be awarded under RCW 28A.625.390.

31 **Sec. 817.** RCW 28A.625.380 and 1990 1st ex.s. c 10 s 4 are each
32 amended to read as follows:

33 The (~~state board of education~~) professional educator standards
34 board shall adopt rules under chapter 34.05 RCW to carry out the

1 purposes of RCW 28A.625.360 through 28A.625.390. These rules shall
2 include establishing the selection criteria for the Washington award
3 for excellence in teacher preparation. The (~~state~~) board (~~of~~
4 ~~education~~) is encouraged to consult with teacher educators, deans, and
5 professional education advisory board members in developing the
6 selection criteria. The criteria shall include any role performed by
7 nominees relative to implementing innovative developments by the
8 nominee's teacher preparation program and efforts the nominee has made
9 to assist in communicating with legislators, common school teachers and
10 administrators, and others about the nominee's teacher preparation
11 program.

12 **Sec. 818.** RCW 28A.625.390 and 1990 1st ex.s. c 10 s 5 are each
13 amended to read as follows:

14 The professional education advisory board for the institution from
15 which the teacher educator has been selected to receive an award shall
16 be eligible to apply for an educational grant as provided under RCW
17 28A.625.370. The (~~state board of education~~) professional educator
18 standards board shall award the grant after the (~~state~~) board has
19 approved the grant application as long as the written grant application
20 is submitted to the (~~state~~) board within one year after the award is
21 received by the teacher educator. The grant application shall identify
22 the educational purpose toward which the grant shall be used.

23 **PART 9**
24 **OTHER DUTIES**

25 **Sec. 901.** RCW 28A.600.010 and 1997 c 265 s 4 are each amended to
26 read as follows:

27 Every board of directors, unless otherwise specifically provided by
28 law, shall:

29 (1) Enforce the rules prescribed by the superintendent of public
30 instruction (~~and the state board of education~~) for the government of
31 schools, pupils, and certificated employees.

32 (2) Adopt and make available to each pupil, teacher and parent in
33 the district reasonable written rules regarding pupil conduct,
34 discipline, and rights, including but not limited to short-term
35 suspensions as referred to in RCW 28A.305.160 (as recodified by this

1 act) and suspensions in excess of ten consecutive days. Such rules
2 shall not be inconsistent with any of the following: Federal statutes
3 and regulations, state statutes, common law, and the rules of the
4 superintendent of public instruction(~~(, and the state board of~~
5 ~~education)~~). The board's rules shall include such substantive and
6 procedural due process guarantees as prescribed by the (~~state board of~~
7 ~~education)~~ superintendent of public instruction under RCW 28A.305.160
8 (as recodified by this act). (~~Commencing with the 1976-77 school~~
9 ~~year,~~) When such rules are made available to each pupil, teacher, and
10 parent, they shall be accompanied by a detailed description of rights,
11 responsibilities, and authority of teachers and principals with respect
12 to the discipline of pupils as prescribed by state statutory law, the
13 superintendent of public instruction, (~~and state board of education~~
14 ~~rules)~~) and the rules (~~and regulations)~~) of the school district.

15 For the purposes of this subsection, computation of days included
16 in "short-term" and "long-term" suspensions shall be determined on the
17 basis of consecutive school days.

18 (3) Suspend, expel, or discipline pupils in accordance with RCW
19 28A.305.160 (as recodified by this act).

20 NEW SECTION. Sec. 902. A new section is added to chapter 28A.405
21 RCW to read as follows:

22 Each school district board of directors shall adopt a policy
23 regarding the presence at their respective schools of teachers and
24 other certificated personnel before the opening of school in the
25 morning and after the closing of school in the afternoon or evening.
26 The board of directors shall make the policy available to parents and
27 the public through the school district report card and other means of
28 communication.

29 Sec. 903. RCW 28A.225.280 and 1990 1st ex.s. c 9 s 206 are each
30 amended to read as follows:

31 Eligibility of transfer students under RCW 28A.225.220 and
32 28A.225.225 for participation in extracurricular activities shall be
33 subject to rules adopted by the Washington interscholastic activities
34 association (~~(as authorized by the state board of education)~~).

1 **Sec. 904.** RCW 28A.600.200 and 1990 c 33 s 502 are each amended to
2 read as follows:

3 Each school district board of directors is hereby granted and shall
4 exercise the authority to control, supervise and regulate the conduct
5 of interschool athletic activities and other interschool
6 extracurricular activities of an athletic, cultural, social or
7 recreational nature for students of the district. A board of directors
8 may delegate control, supervision and regulation of any such activity
9 to the Washington interscholastic activities association or any other
10 voluntary nonprofit entity and compensate such entity for services
11 provided, subject to the following conditions:

12 ~~(1) ((The voluntary nonprofit entity shall submit an annual report~~
13 ~~to the state board of education of student appeal determinations,~~
14 ~~assets, and financial receipts and disbursements at such time and in~~
15 ~~such detail as the state board shall establish by rule;~~

16 ~~(2))~~ The voluntary nonprofit entity shall not discriminate in
17 connection with employment or membership upon its governing board, or
18 otherwise in connection with any function it performs, on the basis of
19 race, creed, national origin, sex or marital status;

20 ~~((3))~~ (2) Any rules and policies applied by the voluntary
21 nonprofit entity which govern student participation in any interschool
22 activity shall be written ~~((and subject to the annual review and~~
23 ~~approval of the state board of education at such time as it shall~~
24 ~~establish;~~

25 ~~(4) All amendments and repeals of such rules and policies shall be~~
26 ~~subject to the review and approval of the state board)); and~~

27 ~~((5))~~ (3) Such rules and policies shall provide for notice of the
28 reasons and a fair opportunity to contest such reasons prior to a final
29 determination to reject a student's request to participate in or to
30 continue in an interschool activity. Any such decision shall be
31 considered a decision of the school district conducting the activity in
32 which the student seeks to participate or was participating and may be
33 appealed pursuant to RCW 28A.645.010 through 28A.645.030.

34 **Sec. 905.** RCW 28A.160.210 and 1989 c 178 s 20 are each amended to
35 read as follows:

36 In addition to other powers and duties, the ~~((state board of~~
37 ~~education))~~ superintendent of public instruction shall adopt rules

1 (~~and regulations~~) governing the training and qualifications of school
2 bus drivers. Such rules (~~and regulations~~) shall be designed to
3 insure that persons will not be employed to operate school buses unless
4 they possess such physical health and driving skills as are necessary
5 to safely operate school buses: PROVIDED, That such rules (~~and
6 regulations~~) shall insure that school bus drivers are provided a due
7 process hearing before any certification required by such rules (~~and
8 regulations~~) is cancelled: PROVIDED FURTHER, That such rules (~~and
9 regulations~~) shall not conflict with the authority of the department
10 of licensing to license school bus drivers in accordance with chapter
11 46.25 RCW. The (~~state board of education~~) superintendent of public
12 instruction may obtain a copy of the driving record, as maintained by
13 the department of licensing, for consideration when evaluating a school
14 bus driver's driving skills.

15 **Sec. 906.** RCW 28A.160.100 and 1990 c 33 s 138 are each amended to
16 read as follows:

17 In addition to the authority otherwise provided in RCW 28A.160.010
18 through 28A.160.120 to school districts for the transportation of
19 persons, whether school children, school personnel, or otherwise, any
20 school district authorized to use school buses and drivers hired by the
21 district for the transportation of school children to and from a school
22 activity, along with such school employees as necessary for their
23 supervision, shall, if such school activity be an interscholastic
24 activity, be authorized to transport members of the general public to
25 such event and utilize the school district's buses, transportation
26 equipment and facilities, and employees therefor: PROVIDED, That
27 provision shall be made for the reimbursement and payment to the school
28 district by such members of the general public of not less than the
29 district's actual costs and the reasonable value of the use of the
30 district's buses and facilities provided in connection with such
31 transportation: PROVIDED FURTHER, That wherever private transportation
32 certified or licensed by the utilities and transportation commission or
33 public transportation is reasonably available (~~as determined by rule
34 and regulation of the state board of education~~), this section shall
35 not apply.

1 **Sec. 907.** RCW 28A.210.070 and 1990 c 33 s 191 are each amended to
2 read as follows:

3 As used in RCW 28A.210.060 through 28A.210.170:

4 (1) "Chief administrator" shall mean the person with the authority
5 and responsibility for the immediate supervision of the operation of a
6 school or day care center as defined in this section or, in the
7 alternative, such other person as may hereafter be designated in
8 writing for the purposes of RCW 28A.210.060 through 28A.210.170 by the
9 statutory or corporate board of directors of the school district,
10 school, or day care center or, if none, such other persons or person
11 with the authority and responsibility for the general supervision of
12 the operation of the school district, school or day care center.

13 (2) "Full immunization" shall mean immunization against certain
14 vaccine-preventable diseases in accordance with schedules and with
15 immunizing agents approved by the state board of health.

16 (3) "Local health department" shall mean the city, town, county,
17 district or combined city-county health department, board of health, or
18 health officer which provides public health services.

19 (4) "School" shall mean and include each building, facility, and
20 location at or within which any or all portions of a preschool,
21 kindergarten and grades one through twelve program of education and
22 related activities are conducted for two or more children by or in
23 behalf of any public school district and by or in behalf of any private
24 school or private institution subject to approval by the state board of
25 education pursuant to RCW 28A.305.130(~~(+6)~~), 28A.195.010 through
26 28A.195.050, and 28A.410.120.

27 (5) "Day care center" shall mean an agency which regularly provides
28 care for a group of thirteen or more children for periods of less than
29 twenty-four hours and is licensed pursuant to chapter 74.15 RCW.

30 (6) "Child" shall mean any person, regardless of age, in attendance
31 at a public or private school or a licensed day care center.

32 **Sec. 908.** RCW 28A.210.160 and 1990 c 33 s 199 are each amended to
33 read as follows:

34 The (~~state board of education~~) superintendent of public
35 instruction shall and is hereby empowered to adopt rules pursuant to
36 chapter 34.05 RCW which establish the procedural and substantive due

1 process requirements governing the exclusion of children from public
2 and private schools pursuant to RCW 28A.210.120.

3 **Sec. 909.** RCW 28A.335.100 and 1975-'76 2nd ex.s. c 23 s 1 are each
4 amended to read as follows:

5 Any association established by school districts pursuant to the
6 interlocal cooperation act, chapter 39.34 RCW for the purpose of
7 jointly and cooperatively purchasing school supplies, materials and
8 equipment, if otherwise authorized for school district purposes to
9 purchase personal or real property, is (~~hereby~~) authorized(~~(, subject~~
10 ~~to rules and regulations of the state board of education,~~) to
11 mortgage, or convey a purchase money security interest in real or
12 personal property of such association of every kind, character or
13 description whatsoever, or any interest in such personal or real
14 property: PROVIDED, That any such association shall be prohibited from
15 causing any creditor of the association to acquire any rights against
16 the property, properties or assets of any of its constituent school
17 districts and any creditor of such association shall be entitled to
18 look for payment of any obligation incurred by such association solely
19 to the assets and properties of such association.

20 **Sec. 910.** RCW 28A.335.120 and 2001 c 183 s 2 are each amended to
21 read as follows:

22 (1) The board of directors of any school district of this state
23 may:

24 (a) Sell for cash, at public or private sale, and convey by deed
25 all interest of the district in or to any of the real property of the
26 district which is no longer required for school purposes; and

27 (b) Purchase real property for the purpose of locating thereon and
28 affixing thereto any house or houses and appurtenant buildings removed
29 from school sites owned by the district and sell for cash, at public or
30 private sale, and convey by deed all interest of the district in or to
31 such acquired and improved real property.

32 (2) When the board of directors of any school district proposes a
33 sale of school district real property pursuant to this section and the
34 value of the property exceeds seventy thousand dollars, the board shall
35 publish a notice of its intention to sell the property. The notice
36 shall be published at least once each week during two consecutive weeks

1 in a legal newspaper with a general circulation in the area in which
2 the school district is located. The notice shall describe the property
3 to be sold and designate the place where and the day and hour when a
4 hearing will be held. The board shall hold a public hearing upon the
5 proposal to dispose of the school district property at the place and
6 the day and hour fixed in the notice and admit evidence offered for and
7 against the propriety and advisability of the proposed sale.

8 (3) The board of directors of any school district desiring to sell
9 surplus real property shall publish a notice in a newspaper of general
10 circulation in the school district. School districts shall not sell
11 the property for at least forty-five days following the publication of
12 the newspaper notice.

13 (4) Private schools shall have the same rights as any other person
14 or entity to submit bids for the purchase of surplus real property and
15 to have such bids considered along with all other bids.

16 (5) Any sale of school district real property authorized pursuant
17 to this section shall be preceded by a market value appraisal by a
18 professionally designated real estate appraiser as defined in RCW
19 74.46.020 or a general real estate appraiser certified under chapter
20 18.140 RCW selected by the board of directors and no sale shall take
21 place if the sale price would be less than ninety percent of the
22 appraisal made by the real estate appraiser: PROVIDED, That if the
23 property has been on the market for one year or more the property may
24 be reappraised and sold for not less than seventy-five percent of the
25 reappraised value with the unanimous consent of the board.

26 (6) If in the judgment of the board of directors of any district
27 the sale of real property of the district not needed for school
28 purposes would be facilitated and greater value realized through use of
29 the services of licensed real estate brokers, a contract for such
30 services may be negotiated and concluded: PROVIDED, That the use of a
31 licensed real estate broker will not eliminate the obligation of the
32 board of directors to provide the notice described in this section:
33 PROVIDED FURTHER, That the fee or commissions charged for any broker
34 services shall not exceed seven percent of the resulting sale value for
35 a single parcel: PROVIDED FURTHER, That any professionally designated
36 real estate appraiser as defined in RCW 74.46.020 or a general real
37 estate appraiser certified under chapter 18.140 RCW selected by the
38 board to appraise the market value of a parcel of property to be sold

1 may not be a party to any contract with the school district to sell
2 such parcel of property for a period of three years after the
3 appraisal.

4 (7) If in the judgment of the board of directors of any district
5 the sale of real property of the district not needed for school
6 purposes would be facilitated and greater value realized through sale
7 on contract terms, a real estate sales contract may be executed between
8 the district and buyer(~~(; PROVIDED, That the terms and conditions of~~
9 ~~any such sales contract must comply with rules and regulations of the~~
10 ~~state board of education, herein authorized, governing school district~~
11 ~~real property contract sales)).~~

12 **Sec. 911.** RCW 28A.320.240 and 1969 ex.s. c 223 s 28A.58.104 are
13 each amended to read as follows:

14 (1) The purpose of this section is to identify quality criteria for
15 school library media programs that support the student learning goals
16 under RCW 28A.150.210, the essential academic learning requirements
17 under RCW 28A.655.070, and high school graduation requirements adopted
18 under RCW 28A.230.090.

19 (2) Every board of directors shall provide for the operation and
20 stocking of such libraries as the board deems necessary for the proper
21 education of the district's students or as otherwise required by law or
22 rule (~~or regulation~~) of the superintendent of public instruction (~~or~~
23 the state board of education)).

24 (3) "Teacher-librarian" means a certified teacher with a library
25 media endorsement under rules adopted by the professional educator
26 standards board.

27 (4) "School-library media program" means a school-based program
28 that is staffed by a certificated teacher-librarian and provides a
29 variety of resources that support student mastery of the essential
30 academic learning requirements in all subject areas and the
31 implementation of the district's school improvement plan.

32 (5) The teacher-librarian, through the school-library media
33 program, shall collaborate as an instructional partner to help all
34 students meet the content goals in all subject areas, and assist high
35 school students completing the culminating project and high school and
36 beyond plans required for graduation.

1 **Sec. 912.** RCW 28A.155.060 and 1995 c 77 s 12 are each amended to
2 read as follows:

3 For the purpose of carrying out the provisions of RCW 28A.155.020
4 through 28A.155.050, the board of directors of every school district
5 shall be authorized to contract with agencies approved by the ((state
6 ~~board of education~~)) superintendent of public instruction for operating
7 special education programs for students with disabilities. Approval
8 standards for such agencies shall conform substantially with those
9 promulgated for approval of special education aid programs in the
10 common schools.

11 **Sec. 913.** RCW 28A.600.130 and 1995 1st sp.s. c 5 s 1 are each
12 amended to read as follows:

13 The higher education coordinating board shall establish a planning
14 committee to develop criteria for screening and selection of the
15 Washington scholars each year in accordance with RCW 28A.600.110(1).
16 It is the intent that these criteria shall emphasize scholastic
17 achievement but not exclude such criteria as leadership ability and
18 community contribution in final selection procedures. The Washington
19 scholars planning committee shall have members from selected state
20 agencies and private organizations having an interest and
21 responsibility in education, including but not limited to, the ((state
22 ~~board of education, the~~)) office of superintendent of public
23 instruction, the council of presidents, the state board for community
24 and technical colleges, and the Washington friends of higher education.

25 **Sec. 914.** RCW 28A.650.015 and 1995 c 335 s 507 are each amended to
26 read as follows:

27 (1) The superintendent of public instruction, to the extent funds
28 are appropriated, shall develop and implement a Washington state K-12
29 education technology plan. The technology plan shall be updated on at
30 least a biennial basis, shall be developed to coordinate and expand the
31 use of education technology in the common schools of the state. The
32 plan shall be consistent with applicable provisions of chapter 43.105
33 RCW. The plan, at a minimum, shall address:

34 (a) The provision of technical assistance to schools and school
35 districts for the planning, implementation, and training of staff in
36 the use of technology in curricular and administrative functions;

1 (b) The continued development of a network to connect school
2 districts, institutions of higher learning, and other sources of on-
3 line information; and

4 (c) Methods to equitably increase the use of education technology
5 by students and school personnel throughout the state.

6 (2) The superintendent of public instruction shall appoint an
7 educational technology advisory committee to assist in the development
8 and implementation of the technology plan in subsection (1) of this
9 section. The committee shall include, but is not limited to, persons
10 representing: ~~The ((state board of education, the commission on~~
11 ~~student learning, the))~~ department of information services, educational
12 service districts, school directors, school administrators, school
13 principals, teachers, classified staff, higher education faculty,
14 parents, students, business, labor, scientists and mathematicians, the
15 higher education coordinating board, the work force training and
16 education coordinating board, and the state library.

17 **PART 10**
18 **MISCELLANEOUS**

19 NEW SECTION. **Sec. 1001.** Part headings used in this act are not
20 any part of the law.

21 NEW SECTION. **Sec. 1002.** Sections 201, 203, and 204 of this act
22 take effect September 1, 2007.

23 NEW SECTION. **Sec. 1003.** Section 406 of this act takes effect
24 September 1, 2009.

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